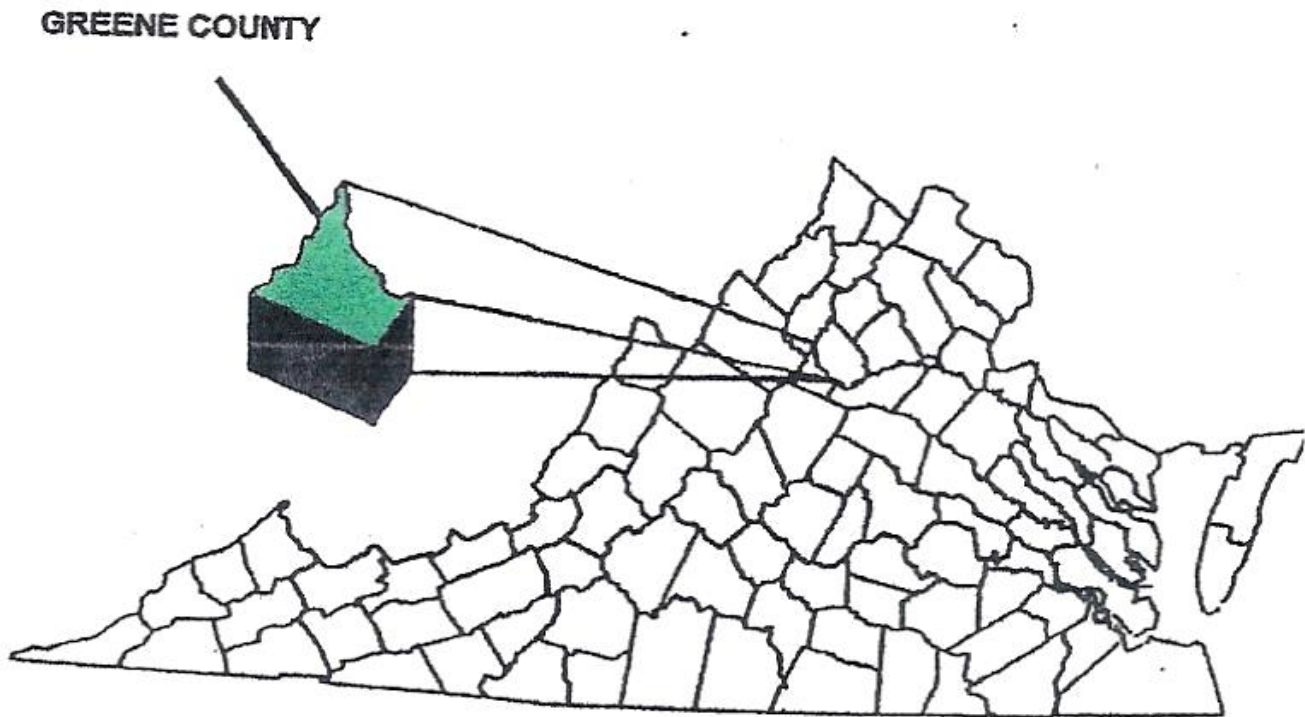


# GREENE COUNTY ZONING ORDINANCE



Effective Date: March 1, 1975

Latest Revision: September 29, 2021

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## **Article 1**

### **Authority, Intent, and Enactment**

- 1-1** Whereas, by of the General Assembly of Virginia as provided in Chapter 28, Article 8, Section 15.2-2280, Code of Virginia and amendments thereto, the governing body of any county may, by ordinance, divide the territory under its jurisdiction into districts of such number, shape and area as it may deem best suited to carry out the purpose of this article, and in each district it may regulate, restrict, permit, prohibit, and determine the following:
- a. The use of land, building, structures, and other premises for agricultural, commercial, industrial, residential, floodplain and other specific uses;
  - b. The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures;
  - c. The areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used;
  - d. The excavation or mining of soil or other natural resources.
- 1-2** And, whereas, this ordinance, insofar as is practicable, is intended to be in accord with and to implement the Comprehensive Plan of Greene County adopted pursuant to the provisions of Title 15.2, Chapter II, Article IV, Code of Virginia, 1950, as amended, and has the purpose and intent set forth in Title 15.2, Chapter II, Article VIII.
- 1-3** Now, therefore, be it ordained by the governing body of Greene County, Virginia, for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Section 15.2-2283, that the following be adopted as the Zoning Ordinance of Greene County, Virginia, together with the accompanying map. This ordinance has been designed:
- (1) to provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers;
  - (2) to reduce or prevent congestion in the public streets;
  - (3) to facilitate the creation of a convenient, attractive and harmonious community;
  - (4) to expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forest, playgrounds, recreational facilities, airports, and other public requirements;
  - (5) to protect against destruction of or encroachment upon historic areas;
  - (6) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers; and
  - (7) to encourage economic development activities that provide desirable employment and enlarge the tax base.

## **Article 2**

### **Zoning Districts**

- 2-1** For the purpose of this ordinance, the unincorporated area of Greene County, Virginia, is hereby divided into the following Districts:
- Conservation, C-1
  - Agricultural, A-1
  - Residential (Single Family Dwelling Units), R-1
  - Residential (Multiple Family Dwelling Units), R-2
  - Senior Residential, SR (Revised 1/11/05)
  - Planned Unit Development (PUD)
  - Business (Restricted), B-1
  - Business (General), B-2
  - Business (Highway), B-3
  - Industrial (Limited), M-1
  - Industrial (General), M-2
  - Flood Plain (General), FP
- 2-2** The locations and boundaries of Districts shall be shown on a map entitled "Zoning Map of the County of Greene, Virginia", as amended. A certified copy of this map is on file in the office of the Zoning Administrator of Greene County, and said map is signed by the Chairman of the Board of Supervisors and certified by the Clerk of the Board of Supervisors. This map plus all notations, dimensions, and designations shown there on shall be as a part of this ordinance as if the same were all fully described herein.

## **Article 3**

### **Conservation District, C-1**

#### **Statement of Intent**

The Conservation District covers those portions of Greene County predominantly characterized by rugged terrain and poorly drained soils, as well as certain ecologically sensitive areas unsuited to intensive forms of development. This District also includes selected areas that represent the best of Greene County's natural endowment-areas the County chooses to pass, unspoiled, to future generations. The Conservation District is established for the specific purposes of protecting human life, conserving natural resources, and ensuring that the County's best natural habitats and scenic viewsheds will not be lost. It intends, furthermore, to protect against overcrowding of land and to discourage a density of population that is inconsistent with the County's ability to provide services. The establishment of this District also recognizes the economic benefits that unspoiled natural topography and the retention of rural character can bring to the County as a whole. Thus, uses permitted in the C-1 zone will include only those which are compatible with the goals of conserving water and timber; preventing soil erosion and earth slides; protecting watersheds, viewscapes, and wildlife habitats; and minimizing hazards from flood and fire.

#### **3-1 USE REGULATIONS**

In Conservation District C-1, structures shall meet the minimum lot area, setback, yard, and frontage requirements of this Ordinance. Structures to be erected or land to be used shall be for the following uses: (Revised 6/12/07)

##### **3-1-1 Uses Permitted by Right**

- .1 Single family detached dwelling. (Amended 10/30/01)
- .2 Conservation and preservation areas.
- .3 Agriculture and/or agricultural operations, as defined. (Revised 6/23/15)
- .4 Processing, storage, and sale of low intensity agricultural products produced on-site.
- .5 Public utilities (Revised 11/10/2020)
- .6 Home occupations, as defined.
- .7 Extraction of natural resources for household use only.
- .8 Kennel, Small Commercial (Revised 9/25/18)
- .9 Accessory uses or structures, as defined.
- .10 Public facility. (Revised 1/11/05)
- .11 Public recreation areas including parks, playgrounds and campgrounds. (Revised 1/11/05)
- .12 Public schools. (Revised 1/11/05)
- .13 Residential Accessory Structure—768 square feet or less (Revised 8/18/05)
- .14 Accessory Dwelling Unit (Revised 7/23/13)
- .15 Mobile or Manufactured Home, as defined (Revised 6/12/07)
- .16 Temporary Events Zoning Permit as defined by 16-19 (Revised 6/26/12)
- .17 Temporary family health care structures as defined by Article 22 and the Virginia State Code §15.2-2292.1 (Revised 7/23/13)
- .18 Farm Winery, events and activities authorized by section 16-21 (Revised 6/23/15)
- .19 Farm Stands/Farmers Market/Farm Sales authorized by section 16-22 (Revised 6/23/15)
- .20 Farm Brewery, events, and activities authorized by section 16-23 (Revised 6/23/15)
- .21 Events and activities at agricultural operations authorized by 16-24 (Table A) (Revised 6/23/15)
- .22 Tourist lodging in accordance with Article 16-25-1. (Revised 7/12/16)

##### **3-1-2 Uses Permitted by Special Use Permit**

- .1 Tourist lodging in accordance with Article 16-25-2. (Revised 7/12/16)
- .2 Kennel, Large Commercial (Revised 9/25/18)
- .3 Outdoor shooting preserves, shooting ranges and sporting clays.

- .4 Private recreation areas including parks, playgrounds and campgrounds. (Revised 1/11/05)
- .5 Animal Shelter (Revised 9/25/18)
- .6 Sawmills and planing mills.
- .7 Reserved. (Revised 7/23/13)
- .8 General stores, as defined.
- .9 Antique, craft and gift shops.
- .10 Reserved. (Revised 6/23/15)
- .11 Reserved. (Revised 1/11/05)
- .12 Two-family dwelling units.
- .13 Ground disturbing exploratory activities.
- .14 Churches and church cemeteries.
- .15 Conference centers.
- .16 Extraction of natural resources for commercial use.
- .17 Stables, horseback riding and equestrian facilities.
- .18 Private schools. (Revised 1/11/05)
- .19 Telecommunication antennas and towers, subject to the conditions in Article 21. (Revised 1/11/05)
- .20 Mulch production facility. (Revised 1/11/05)
- .21 Group home or home for developmentally disabled persons (per Code of Virginia.) (Revised 1/11/05)
- .22 Residential Accessory Structure—greater than 768 square feet (Revised 8/18/05)
- .23 Farm winery uses, events and activities authorized by section 16-21 (Revised 6/23/15)
- .24 Farm brewery uses, events, and activities authorized by section 16-23 (Revised 6/23/15)
- .25 Events and activities at agricultural operations authorized by special use permit under section 16-24. (Revised 6/23/15)
- .26 Water or Sewer Treatment Facilities (Revised 11/10/2020)
- .27 Solar Energy Generation Facilities (Revised 11/10/2020)
- .28 Power Generating Plants (Revised 11/10/2020)
- .29 Gas and Oil Facilities (Revised 11/10/2020)

### **3-2 AREA REGULATIONS**

- 3-2-1** The minimum lot area for permitted uses shall be eight (8) acres (348,480 square feet), except as specified under Section 3-2-2. (Revised 7/23/13)
- 3-2-2** For uses specified in Section 3-1-1.5, if and only if such uses are not equipped for human habitation or offices, there shall be no minimum lot size, provided only that the regulations concerning setback, yard, and heights of buildings are met.

### **3-3 SETBACK REGULATIONS**

- 3-3-1** Structures except signs shall be located fifty (50) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or one hundred (100) feet or more from the center line of any street right-of-way less than fifty (50) feet in width. This shall be known as the setback line.
- 3-3-2** No accessory building shall be located within the setback line. Handicapped ramps meeting ICC/ANSI A117.1 standard may be located within the required setback, but no closer to any street than the existing right-of-way line or right-of-way reservation line. (Revised 6/26/12) Public telephone booths may be located within the required setback, but no closer to any street than the existing right-of-way line or right-of-way reservation line, provided that:
  - a. Such booths shall be equipped for emergency service to the public without prior payment;
  - b. The location of every booth shall be determined by the Zoning Administrator to ensure that the same will not adversely affect the safety of the adjacent highway;
  - c. Every such booth shall be subject to relocation, at the expense of the owner, whenever such relocation shall be determined by the Zoning Administrator to be reasonably necessary to protect the public health, safety and welfare or whenever the same shall be necessary to accommodate the widening of the adjacent highway.

### **3-4 FRONTAGE REGULATIONS**

- 3-4-1** The minimum required frontage for permitted uses shall be three hundred (300) feet.
- 3-4-2** For uses specified in Section 3-1-2.4 provided that such uses are not equipped for human habitation or offices, there shall be no minimum required frontage, provided only that the regulations concerning

setback, yard and height of building are met.

### **3-5 YARD REGULATIONS**

**3-5-1** Side - The minimum side yard for each main structure shall be thirty (30) feet.

**3-5-2** Rear - Each main structure shall have a rear yard of one hundred (100) feet or more.

**3-5-3** Accessory structures shall be located five (5) feet or more from the side and rear lot lines. (Revised 8/23/11)

### **3-6 HEIGHT REGULATIONS**

Buildings may be erected up to forty (40) feet in height except that:

**3-6-1** A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade.

**3-6-2** Church spires, belfries, cupolas, monuments, water towers, silos, chimneys, flues, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

**3-6-3** Reserved. (Revised 8/23/11)

### **3-7 SPECIAL PROVISIONS FOR CORNER LOTS**

Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets. The corner side yard, shall be forty (40) feet from edge of right of way. (Revised 10/28/08)

### **3-8 SIGN REGULATIONS**

Signs shall conform to Article 14 of this ordinance.

### **3-9 OFF-STREET PARKING**

Off-Street parking shall be provided as required in Article 16 of this ordinance.

### **3-10 DIVISION RIGHTS**

Division rights apply to every parcel of land in existence on May 8, 2001. However, 40 acres of a parent tract in existence on this date are exempt from these provisions and can be divided as per the area and frontage regulations as set forth in Sections 3-2 and 3-4 respectively. There shall be allowed one additional division right for every sixteen full acres in the non-exempt portion of the parent tract. Parcels may not be subdivided in a C-1 zone unless there are division rights assigned to that parcel.

The number of division rights in the parent tract shall be as follows:

A) Parent tracts that have less than 16 acres have no division rights.

B) Parent tracts equal to or between 16 and 39.999 acres have one division right for each 8 full acres in size.

C) Parent tracts equal to or greater than 40 acres have 5 division rights plus one additional division right for each 16 full acres in excess of 40 acres.

Division rights may be exercised at any time and are not affected by a transfer of ownership of the parent tract, or any divisible portion thereof. The frequency of division and the size of the parcels created through the exercise of division rights under this section are left to the discretion of the landowner however; the minimum lot size established for this zone shall remain in effect, both for the newly created parcel(s) and for the residual parcel which remains after all allowable division rights have been exercised. Nothing in this section shall be construed to prevent the transfer of division rights along with the transfer of all or any portion of the parent tract, except that no division shall increase the number of parcels which may be created hereunder. Upon the division of the parent tract, the rights of further division are established by the recorded plat and clearly indicated thereon in conformance with Section 4-2-2.2A of the Subdivision Ordinance. (Revised 5/8/01)

The creation of utility lots shall not require the exercise of division rights. (Revised 8/11/09)

Nothing in this section shall be constructed to replace, supersede, or amend the Greene County Subdivision Ordinance or to affect the application of its provisions in certain kinds of residential land development, as set forth in the Subdivision ordinance itself. (Amended 12/10/96)



## **Article 4**

### **Agricultural District, A-1**

#### **Statement of Intent**

The Agricultural District covers those portions of Greene County most suitable to agriculture. It is designed primarily to protect farming in the County while accommodating kindred rural occupations and limited residential use. The District consist of areas lying outside of designated growth clusters; those areas presently being used for agricultural purposes; and those areas where the soil and topographical characteristics are most favorable for farming. It intends, furthermore, to protect against overcrowding of land and to discourage undue density of population in relation to the larger purposes of this zone. The establishment of this District recognizes that residential growth in certain desirable rural areas will occur: its intent is to ensure that this growth takes place in an orderly, well-planned, and sensible way, and that it is not fundamentally injurious either to the current practices of farming, the future viability of agriculture in Greene County, or the maintenance of a predominantly rural character and quality of life in this zone.

#### **4-1 USE REGULATIONS**

In Agricultural District A-1, structures to be erected or land to be used shall be for the following uses, each main structure shall meet the minimum lot area, setback, frontage and yard requirements of this ordinance. Structures to be erected or land to be used shall be for the following uses: (Revised 6/12/07)

##### **4-1-1 Uses Permitted by Right**

Same as Conservation C-1 plus:

- .1 Reserved. (Revised 6/23/15)
- .2 Reserved. (Revised 6/23/15)
- .3 Fireworks, temporary only (See section 16-14.) (Revised 1/11/05)
- .4 Reserved. (Revised 6/23/15)
- .5 Residential Accessory Structure—768 square feet or less (Revised 8/18/05)
- .6 Accessory Dwelling Unit (Revised 7/23/13)
- .7 Temporary Events Zoning Permit as defined by 16-19 (Revised 6/26/12)
- .8 Temporary family health care structures as defined by Article 22 and the Virginia State Code §15.2-2292.1 (Revised 7/23/13)

##### **4-1-2 Uses Permitted by Special Use Permit**

Same as Conservation C-1 plus:

- .1 Temporary or permanent dwellings for farm workers, where the land's primary use meets the definition of agriculture. (Revised 6/23/15)
- .2 Reserved (Revised 9/25/18)
- .3 Veterinary clinics and veterinary hospitals.
- .4 Volunteer fire and rescue facilities.
- .5 Commercial warehouses for bulk agricultural products.
- .6 Private airports and heliports.
- .7 Dinner theaters and outdoor performance spaces where the seating capacity does not exceed 500 persons.
- .8 Indoor shooting ranges.
- .9 Country clubs, community centers, swimming, tennis, golf, fishing, and gun clubs and similar uses.
- .10 Carnivals, fairs and circuses -- temporary only. (Revised 1/11/05)
- .11 Commercial cemeteries and memorial parks.
- .12 Child care centers.
- .13 Hospitals, clinics, nursing homes, and rehabilitation centers.

- .14 Adult day-care centers.
- .15 Meeting places for clubs, fraternal and civic organizations.
- .16 Home businesses, as defined.
- .17 Extraction and processing of natural resources for commercial use.
- .18 Garden centers.
- .19 Observation Tower—In addition to the criteria listed in 16-2, the Planning Commission shall consider the following in its review of Special Use Permit requests for Observation Towers; lighting, security & access, distance from the nearest hard surface road or state maintained road, size of the parcel on which the tower is to be built and construction materials and design of the tower. (9/25/01)
- .20 Outdoor Recreational Facilities. (adopted 1/8/02)
- .21 Mulch production facility. (Revised 1/11/05)
- .22 Group home or home for developmentally disabled persons (per Code of Virginia.) (Revised 1/11/05)
- .23 Residential Accessory Structure—greater than 768 square feet (Revised 8/18/05)
- .24 Recycling Center (Revised 5/27/14)

#### **4-2 AREA REGULATIONS**

**4-2-1** The minimum lot area for permitted uses shall be two (2) acres (87,120 square feet) with the following exception:

- .1 Reserved. (Revised 6/23/15)
- .2 Reserved. (Revised 7/23/13)
- .3 For uses specified in Section 3.1-2.7, if and only if such uses are not equipped for human habitation or offices, there shall be no minimum lot size, provided only that regulations concerning setback, yard, frontage, and height of the buildings are met.

#### **4-3 SETBACK REGULATIONS**

**4-3-1** Structures shall be located fifty (50) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or seventy-feet (75) feet or more from the center line of any street right-of-way less than fifty (50) feet in width. This shall be known as the setback line. (Revised 6/23/15)

**4-3-2** Buildings that house manure storage structures shall be located a minimum of 600 feet from a residence (not including owner's residence): 1,000 feet from a town boundary; 200 feet from a property line; 200 feet from a primary highway or roadway; 150 feet from a secondary highway or right-of-way; 600 feet from recreational ponds or lakes; and 1,000 feet from a river, channel, or water impoundment. (Amended 8/25/98) (Revised 6/23/15)

**4-3-3** No accessory building shall be located within the setback line. Handicapped ramps meeting ICC/ANSI A117.1 standard may be located within the required setback, but no closer to any street than the existing right-of-way line or right-of-way reservation line. (Revised 6/26/12) Public telephone booths may be located within the required setback, but no closer to any street than the existing right-of-way line or right-of-way reservation line, provide that:

- a. Such booths shall be equipped for emergency service to the public without prior payment;
- b. The location of every booth shall be determined by the Zoning Administrator to ensure that the same will not adversely affect the safety of the adjacent highway;
- c. Every such booth shall be subject to relocation, at the expense of the owner, whenever such relocation shall be determined by the Zoning Administrator to be reasonably necessary to protect the public health, safety and welfare or whenever the same shall be necessary to accommodate the widening of the adjacent highway.

#### **4-4 FRONTAGE REGULATIONS**

**4-4-1** The minimum required frontage for permitted uses shall be two hundred ten (210) feet.

**4-4-2** For uses specified in Section 3-1-2.4 provided that such uses are not equipped for human habitation or offices, there shall be no minimum required frontage, provided only that the regulations concerning setback, yard and height of building are met.

**4-4-3** The minimum required frontage for permitted uses in a cul-de-sac shall be one hundred (100) feet at the setback line. (Revised 1/11/05)

**4-4-4** Reserved. (Revised 1/11/05)

**4-5 YARD REGULATIONS**

**4-5-1** Side - The minimum side yard for each main structure shall be thirty (30) feet.

**4-5-2** Rear - Each main structure shall have a rear yard of fifty (50) feet or more.

**4-5-3** Accessory structures shall be located five (5) or more feet from side and rear lot lines. (Revised 8/23/11)

**4-5-4** Reserved (Revised 6/12/07)

**4-6 HEIGHT REGULATIONS**

Buildings may be erected up to forty (40) feet in height except that;

**4-6-1** A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade.

**4-6-2** Church spires, belfries, cupolas, water towers, silos, chimneys, flues, flagpoles, television antennae, observation towers, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

**4-6-3** Reserved. (Revised 8/23/11)

**4-7 SPECIAL PROVISIONS FOR CORNER LOTS**

Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets. The corner side yard, shall be forty (40) feet from edge of right of way. (Revised 10/28/08)

**4-8 SIGN REGULATIONS**

Signs shall conform to Article 14 of this ordinance.

**4-9 OFF-STREET PARKING**

Off-street parking shall be provided as required in Article 16 of this ordinance.

**4-10** In consideration of whether or not to grant a Special Use Permit for a quarrying operation, the Board of Supervisors shall impose such restrictions as are reasonably necessary to abate sound, air, and water pollution and interference with adjacent property owners' water supply. Such restrictions shall in no event be less restrictive than the following:

- .1 All State and Federal laws and regulations, as the same may from time to time be amended, regulating quarrying and related activities, shall be considered restrictions on the Special Use Permit thus granted by Greene County, Virginia. The quarry operator will be responsible, at his own expense, to provide the County Administrator of Greene County or other agent directed to enforce the restrictions in the Special Use Permit with copies (as from time to time amended) of all such laws and regulations, within thirty (30) days of the time that such changes come to the operator's attention.
- .2 Time limits shall be established for beginning operations, and for completion of significant phases of screening, including but not limited to construction of berms and establishment of vegetative cover thereon.
- .3 Officials of Greene County, Virginia shall have access to all reports made by the quarry operator to any State or Federal Agency, and to the raw data from which such reports are compiled, and will have the right of onsite inspection at all reasonable hours of the day or night including examination of test wells and seismographs.
- .4 The designated Agent of the Board of Supervisors will have the power to suspend temporarily the Special Use Permit thus granted only when he has probable cause to believe that a serious or repeated violation has occurred, and upon further granting of a due process hearing before the Board of Supervisors within three (3) business days following such temporary suspension of the Special Use Permit. If the Board of Supervisors does not convene within three (3) days to allow such due process hearing, the suspension will automatically end. At such hearing, the Board of Supervisors may (1) restore the Special Use Permit either conditionally or unconditionally or (2)

extend the suspension of the Special Use Permit either conditionally or unconditionally, or (3) set a hearing date for a due process hearing upon the permanent revocation of such Special Use Permit in which case the suspension of the Special Use Permit may be extended either conditionally or unconditionally. The operator may continue sales operations during periods of suspension of the Special Use Permit. For the purpose of this subsection, "repeated" violations shall mean violations which have occurred in the past, and of which the agent of the Board of Supervisors has given written warning to the operator; "serious" violations shall be those which have a significant probability of endangering human life or health. To aid the agent of the Board of Supervisors in determining whether or not a violation exists, the operator is required to furnish the agent of the Board of Supervisors any citations, determinations, or adverse findings by any State or Federal agency finding that the operator is in violation of any of the laws or regulations made a part of this ordinance by paragraph one above. Such copies must be forwarded to the agent within three (3) business days of the receipt thereof by the operator.

- .5 Prior to the commencement of initial blasting operations, the quarry operator shall complete a pre-blast survey of all structures within a half mile of the actual blasting site. Such report is to be signed by both property owner and quarry operator, and the originals shall be filed by the quarry operator with the County Administrator. In the event that a property owner refuses access to his structures for the pre-blast survey, then the operator shall inform the County Administrator of such fact, and the County Administrator shall send a certified mail letter to such property owner, at the expense of the quarry operator, noting the report of such refusal, and allowing the property owner thirty (30) days to allow such inspection. If the property owner does not respond to such letter within thirty (30) days, he will be presumed to have waived the benefit of this provision, and the County Administrator shall retain in his files proof that such letter was mailed to and received by the property owner.
- .6 The quarry operator shall be responsible that all gravel trucks leaving the quarry are loaded in such a way as to comply with the provisions of Section 10-211 of the Code of Virginia, except that for purposes of this ordinance, water applied by the quarry operator to the load of such trucks shall not be considered to be part of the load.
- .7 The quarry operator will make every reasonable effort not to blast during periods of high wind, meaning winds of twenty (20) miles per hour or over at its greatest gusts at the blast site, measured at a convenient point to be established by the Zoning Administrator, during periods of high humidity (28 millibars vapor pressure of absolute humidity), or other than between the hours of 8:30 a.m. to 5:30 p.m. on weekdays, except in the case of unavoidable emergency.
- .8 The quarry operator will not do any blasting of a strength greater than one thousand (1,000) pounds per delay.
- .9 In screening the quarry site the quarry operator shall make a good faith effort to consult with each and every adjoining property owner determined at the time of designing and installing berms, concerning the type of trees or grass or other organic screening used. Records of such consultations and attempted consultations shall be filed by the quarry operator with the County Administrator who shall retain such records.
- .10 The quarry operator shall maintain liability insurance covering the quarry and operations hereof in an amount of at least \$200,000.00, and shall promptly inform the County administrator of such coverage and any changes therein. Failure to maintain such insurance shall be "a serious violation" within the meaning of this ordinance.
- .11 Stagnant pools of water shall be avoided and must be drained within forty-eight (48) hours.
- .12 Stationary processing equipment shall not be operated any closer than 400 feet to any adjoining property line.
- .13 Reasonable restrictions shall be imposed to minimize noise, dust, or vibrations which would be injurious or annoying to persons in the neighborhood, and especially restricting the noise during the hours of 9:00 p.m. to 7:00 a.m.
- .14 Should the quarry operation cease for a period of eighteen (18) consecutive months, then the Special Use Permit will automatically be void.
- .15 The Board of Supervisors shall not grant a Special Use Permit unless the site plan provided shows:

- (1) a minimum set back of 100 feet from any on site building to the right-of-way of any public road and to the boundary of any adjoining properties,
  - (2) a minimum setback of 400 feet from any on site building to any existing dwelling not on the applicant's property,
  - (3) adequate measures to prevent intrusion upon the site by unauthorized persons,
  - (4) adequate screening measures,
  - (5) that internal roads be surfaced with dust free material for a minimum distance of 200 feet from any public road.
- .16 The quarry operator shall abide by the site plan, and any significant departure from the site plan by the quarry operator may be deemed a serious violation if it carries with it a significant risk of danger to human life, safety, or health.

**4-11 RESERVED (Revised 9/25/18)**

**4-12 DIVISION RIGHTS**

Division rights apply to every parcel of land in existence on May 8, 2001. However, 10 acres of a tract in existence on this date are exempt from these provisions and can be divided as per the area and frontage regulations as set forth in Sections 4-2 and 4-4 respectively. (Adopted 6/27/95)

There shall be allowed one additional division right for every five full acres in the non-exempt portion of the parent tract. Parcels may not be subdivided in an A-1 zone unless there are division rights assigned to that parcel.

The number of division rights in the parent tract shall be as follows:

- A) Parent tracts that have less than 4 acres have no division rights.
- B) Parent tracts equal to or between 4 and 9.999 acres have one division right for each 2 full acres in size.
- C) Parent tracts equal to or greater than 10 acres have 5 division rights plus one additional division right for each 5 full acres in excess of 10 acres.

Division rights may be exercised at any time and are not affected by a transfer of ownership of the parent tract, or any divisible portion thereof. The frequency of division and the size of the parcels created through the exercise of division rights under this section are left to the discretion of the landowner; however, the minimum lot size established for this zone shall remain in effect, both for the newly created parcel(s) and for the residual parcel which remains after all allowable division rights have been exercised. Nothing in this section shall be construed to prevent the transfer of division rights along with the transfer of all or any portion of the parent tract, except that no division shall increase the number of parcels which may be created hereunder. Upon the division of the parent tract, the rights of further division are established by the recorded plat and clearly indicated thereon in conformance with Section 4-2-2.2A of the Subdivision Ordinance. (Revised 5/8/01)

The creation of utility lots shall not require the exercise of division rights. (Revised 8/11/09)

Nothing in this section shall be constructed to replace, supersede, or amend the Greene County Subdivision Ordinance or to affect the application of its provisions in certain kinds of residential land development, as set forth in the Subdivision Ordinance itself. (Adopted 12/10/96)

## **Article 5**

### **Residential District, R-1**

#### **Statement of Intent**

This District is composed of certain quiet, low-moderate density residential areas, plus certain open areas where similar residential development appears likely to occur. The location of this District shall be limited to those growth clusters as designed in the Greene County Comprehensive Plan. The regulations contained herein are designed to stabilize and protect the desired characteristics of the District.

#### **5-1 USE REGULATIONS**

In Residential District R-1, structures to be erected or land to be used shall be for the following uses within each main structure meeting the minimum lot area, setback and frontage requirements of this Ordinance:

##### **5-1-1 Uses Permitted by Right**

- .1 Agriculture and/or Agricultural Operation as defined in Article 22 of this ordinance, excluding livestock and fowl. (Revised 6/23/15)
- .2 Single family dwellings built individually or in conventional or clustered subdivisions.
- .3 Home occupations as defined.
- .4 Public Utilities (Revised 11/10/2020)
- .5 Accessory uses or structures as defined.
- .6 Public facilities. (Revised 1/11/05)
- .7 Residential Accessory Structure—768 square feet or less (Revised 8/18/05)
- .8 Accessory Dwelling Unit (Revised 7/23/13)
- .9 Temporary family health care structures as defined by Article 22 and the Virginia State Code §15.2-2292.1 (Revised 7/23/13)
- .10 Keeping of domestic laying hens, subject to the conditions in Article 5-11 (Revised 3/22/16)

##### **5-1-2 Uses Permitted by Special Use Permit**

- .1 Cemeteries and churches.
- .2 Keeping of livestock on at least 2 acres of rangeable land. (Revised 3/22/16)
- .3 Home professional offices
- .4 Reserved (9/29/2021)
- .5 Temporary construction yards.
- .6 Home businesses, as defined. (Revised 8/23/11)
- .7 Private schools.
- .8 Firehouses and rescue squads.
- .9 Swim, golf, tennis, or similar athletic facilities.
- .10 Clubs, civic, fraternal, or patriotic organizations.
- .11 Any care center not subject to state license.
- .12 Telecommunication antennas and towers, subject to the conditions in Article 21. (Revised 1/11/05)
- .13 Group home or home for developmentally disabled persons (per Code of Virginia.) (Revised 1/11/05)
- .14 Residential Accessory Structure—greater than 768 square feet (Revised 8/18/05)
- .15 Keeping of fowl other than domestic laying hens and/or more laying hens than permitted on the parcel area as defined by Article 5-11. (Revised 3/22/16)
- .16 Water or Sewer Treatment Facilities (Revised 11/10/2020)
- .17 Solar Energy Generation Facilities (Revised 11/10/2020)
- .18 Power Generating Plants (Revised 11/10/2020)
- .19 Gas and Oil Facilities (Revised 11/10/2020)

## **5-2 AREA REGULATIONS**

- 5-2-1** The minimum lot area for permitted uses not utilizing central/ public water or central/public sewerage systems shall be 87,120 square feet except for clustered single-family dwelling subdivision which shall require 43,560 square feet.
- 5-2-2** The minimum lot area for permitted uses utilizing either central/public water or central/public sewerage systems shall be 60,000 square feet except for clustered single-family dwelling subdivision which shall require 30,000 square feet.
- 5-2-3** For permitted uses utilizing both central/public water and central/public sewerage systems, the minimum lot area shall be 20,000 square feet except for clustered single-family dwelling subdivision which shall require 10,000 square feet.
- 5-2-4** In case of soil conditions or other physical factors which may impair the health and safety of the neighborhood, the Planning Commission, upon recommendation of the Health Department, may increase the area requirements for lots served by individual wells or septic systems.
- 5-2-5** For uses specified in Section 5-1-1.4 provided that such uses are not equipped for human habitation or offices, there shall be no minimum lot size, provided only that the regulations concerning setback, yard and height of buildings are met.
- 5-2-6** Any building site on a lot created after the effective date of this regulation in this district shall have adequate area for location of two (2) septic drain field areas as approved by the Virginia Department of Health when such lot is not served by a central sewage facility. Nothing contained herein shall be constructed to require re-submission of any building site plan approved by the Virginia Department of Health prior to the adoption of this regulation.

## **5-3 SETBACK REGULATIONS**

- 5-3-1** Structures except signs shall be thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or sixty (60) feet or more from the center line of any street right-of-way less than fifty (50) feet in width. This shall be known as the setback line. In clustered single-family dwelling subdivisions, the setback line shall be twenty-five (25) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or forty (40) feet or more from the center line of any street right-of-way less than fifty (50) feet in width. (Revised 11/27/07)
- 5-3-2** No accessory building shall be located within the setback line. Handicapped ramps meeting ICC/ANSI A117.1 standard may be located within the required setback, but no closer to any street than the existing right-of-way line or right-of-way reservation line. (Revised 6/26/12) Public telephone booths may be located within the required setback, but no closer to any street than the existing right-of-way reservation line, provided that:
- .1 Such booths shall be equipped for emergency service to the public without prior payment;
  - .2 The location of every booth shall be determined by the Zoning Administrator to ensure that the same will not adversely affect the safety of the adjacent highway; and
  - .3 Every such booth shall be subject to relocation, at the expense of the owner, whenever such relocation shall be determined by the Zoning Administrator to be reasonably necessary to protect the public health, safety and welfare or whenever the same shall be necessary to accommodate the widening of the adjacent highway.

## **5-4 FRONTAGE REGULATIONS**

- 5-4-1** The minimum frontage for permitted uses not utilizing central/ public water or central/public sewerage systems shall be one hundred fifty (150) feet.
- 5-4-2** The minimum frontage for permitted uses utilizing either central/public water or central/public sewerage systems shall be one hundred (100) feet.
- 5-4-3** For permitted uses utilizing both central/public water and central/public sewerage systems, the minimum frontage shall be eighty (80) feet.
- 5-4-4** Subject to Article 22, the lot line abutting the turnaround area of a cul-de-sac shall be a minimum of seventy (70) feet. (Revised 5/12/09)

## **5-5 YARD REGULATIONS**

- 5-5-1** Side - The minimum side yard for each main structure shall be fifteen (15) feet except for clustered

single-family dwelling subdivisions which shall require a minimum side yard for each main structure of ten (10) feet. (Revised 11/27/07)

**5-5-2** Rear - Each main structure shall have a rear yard of thirty-five (35) feet or more, except for clustered single-family dwelling subdivisions which shall require a minimum rear yard for each main structure of twenty-five (25) feet. (Revised 11/27/07)

**5-5-3** Accessory structures shall be located five (5) or more feet from the side and rear lot lines. (Revised 8/23/11)

**5-6 HEIGHT REGULATIONS**

Buildings except signs may be erected up to thirty-five (35) feet in height, except that;

**5-6-1** A public or semi-public building such as a school, church, library, or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

**5-6-2** Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

**5-6-3** Reserved. (Revised 8/23/11)

**5-7 SPECIAL PROVISIONS FOR CORNER LOTS**

Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets. The corner side yard shall be thirty (30) feet from edge of right of way, except for a corner lot in a clustered single-family dwelling subdivision which shall require a corner side yard(s) to be twenty-five (25) feet or more from the edge of right of way. (Revised 11/27/07)

**5-8 SIGN REGULATIONS**

Signs shall conform to Article 14 of this ordinance.

**5-9 OFF-STREET PARKING**

Off-street parking shall be provided as required in Article 16 of this ordinance.

**5-10 OPEN SPACE REQUIREMENTS**

**5-10-1** The site for a single family detached dwelling clustered subdivision shall provide for a minimum of twenty-five percent (25%) of its gross site area as common open space. The open space area shall not include any residential parking areas or road coverage areas. The Planning Commission may reduce the percentage of common open space during the preliminary plat review process if the developer makes provisions for the construction of recreational facilities as part of the development. (Revised 5/8/12)

**5-10-2** Clustered subdivisions with provisions for common open space shall be approved subject to the submission of a legal instrument(s) setting forth a plan or manner of permanent care and maintenance of such areas. No such instrument(s) shall be acceptable until approval by the county attorney as to legal form and effect, and by the administrator as to the suitability for the proposed use of the open area(s).

**5-11 KEEPING OF DOMESTIC LAYING HENS (Revised 3/22/16)**

Keeping of domestic laying hens in the R-1, Residential district shall be limited to:

- A maximum of six (6) chickens on a parcel one-half acre or less in size.
- A maximum of ten (10) chickens on a parcel more than one-half acre in size.

The yard regulations associated with the keeping of domestic hens shall be in accordance to the following:

- 25 feet from the property line for enclosures and litter storage.
- 50 feet from any neighboring dwelling unit.
- 25 feet from a well head.
- 50 feet from any stream, pond, lake, or waterway for enclosures and litter storage.



*Chicken coop* includes any fully enclosed and covered hen house and associated run space providing a predator resistant shelter that is thoroughly ventilated, provides adequate sun and shade and all-season protection from the elements, and designed to be easily accessed and cleaned where chicken live.

*Chicken tractor* means a movable fully enclosed structure commonly used for pastured chickens that graze on fresh grass daily. The tractor is moved every day or week as needed for the chickens to have fresh grass underneath them. Chicken tractors can be used as permanent or temporary housing for chickens and are considered a type of *chicken coop*.

*Domestic laying hens* include any variety of egg laying female chicken.

## **Article 6**

### **Residential District, R-2**

#### **Statement of Intent**

This District is established to provide for the orderly development of residential communities. This District shall be located within growth clusters, as designated in the Greene County Comprehensive Plan, where central water and central sewage disposal is available or will be provided, where commercial and public facilities are easily accessible or will be available within a definitive period of time, and where there is direct access to a major transportation route or traffic collector. Regulations are designed to accommodate residential land uses at a density of four (4) to sixteen (16) dwelling units per acre. Dwelling unit types include single family detached units, single family attached and garden apartment units. Requirements for pedestrian and vehicular circulation, for parking and storage of vehicles, for open space, and for the recreation of its residents are included in the provisions for the District.

#### **6-1 USE REGULATIONS**

In Residential District R-2, structures to be erected or land to be used shall be for the following uses within each main structure meeting the minimum lot area, setback, frontage and yard requirements of this ordinance:

##### **6-1-1 Uses Permitted by Right**

- .1 All uses permitted by right in R-1 excluding public facilities agriculture and keeping of domestic laying hens. (Revised 11/10/2020)
- .2 Two family dwelling units.
- .3 Accessory uses or structures as defined.
- .4 Swim, golf, tennis or similar athletic facilities.
- .5 Residential Accessory Structure—768 square feet or less (Revised 8/18/05)
- .6 Temporary family health care structures as defined by Article 22 and the Virginia State Code §15.2-2292.1 (Revised 7/23/13)

##### **6-1-2 Uses Permitted by Special Permit**

- .1 Cemeteries and churches.
- .2 Patio houses.
- .3 Townhouses.
- .4 Multiple family dwellings.
- .5 Condominium housing, in conformance with Section 55-79.41 of the Code of Virginia.
- .6 Boarding and rooming houses.
- .7 Clubs and lodges.
- .8 Home professional offices.
- .9 Educational institutions, public and private.
- .10 Hospitals and clinics.
- .11 Mobile home parks, in conformance with Section 16-4 of this Ordinance.
- .12 Reserved (Revised 7/23/13)
- .13 Nursing or convalescent homes.
- .14 Any day care center.
- .15 Agriculture as defined.
- .16 Clubs, civic, fraternal, or patriotic organizations.
- .17 Firehouses and rescue squads.
- .18 Temporary construction yards.

- .19 Public offices and other public buildings and public facilities owned or operated by agencies of the national, state or local government, if immediately adjacent to a business district.
- .20 Telecommunication antennas and towers, subject to the conditions in Article 21. (Revised 1/11/05)
- .21 Group home or home for developmentally disabled persons (per Code of Virginia.) (Revised 1/11/05)
- .22 Residential Accessory Structure—greater than 768 square feet (Revised 8/18/05)

## **6-2 AREA REGULATIONS**

- 6-2-1** The minimum lot area for permitted uses not utilizing central/public water or central/public sewerage systems shall be 62,000 square feet except for clustered single-family dwellings which shall require 38,435 square feet.
- 6-2-2** The minimum lot area for permitted uses utilizing either central/public water or central/public sewerage systems shall be 62,000 square feet except for clustered single-family dwellings which shall require 38,435 square feet.
- 6-2-3** For permitted uses utilizing both central/public water and central/public sewerage systems, the minimum lot area shall be 14,300 square feet except for clustered single-family dwellings which shall require 8,830 square feet and townhouses which shall require no minimum lot size (Revised 5/14/2019)
- 6-2-4** For all other permitted uses, a minimum lot size is not required but minimum frontage, yard, density and all other requirements must be met.
- 6-2-5** The maximum density for single family attached dwelling units shall be six (6) dwelling units per acre. The maximum density for townhouses shall be ten (10) dwelling units per acre. (Revised 5/14/2019)
- 6-2-6** The maximum density for multiple family buildings shall be sixteen (16) units per acre.
- 6-2-7** In case of soil conditions or other physical factors which may impair the health and safety of the neighborhood, the Planning Commission, upon recommendation of the Health Department, may increase the area requirements for lots served by wells and septic systems.

## **6-3 SETBACK REGULATIONS**

- 6-3-1** Structures, except signs, shall be twenty-five (25) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or forty (40) feet or more from the center line of any street right-of-way less than fifty (50) feet in width. Townhouses shall be five (5) feet or more from the edge of right-of-way or the exterior edge of sidewalk if the sidewalk is outside of the right-of-way. This shall be known as the setback line. (Revised 5/14/2019)
- 6-3-2** The Planning Commission shall determine the proper building setback line to be shown on the final subdivision plat where proper travel way and public access easements are shown.
- 6-3-3** No accessory building shall be located within the setback line. Handicapped ramps meeting ICC/ANSI A117.1 standard may be located within the required setback, but no closer to any street than the existing right-of-way line or right-of-way reservation line. (Revised 6/26/12)

## **6-4 FRONTAGE REGULATIONS**

- 6-4-1** For lots containing or intending to contain a single family detached permitted use, the minimum lot width shall be eighty (80) feet.
- 6-4-2** For lots containing or intending to contain a patio house, the minimum lot width shall be fifty (50) feet.
- 6-4-3** For lots containing or intending to contain a duplex, the minimum lot width shall be twenty (20) feet for interior lots and forty (40) feet for end lots. For lots intending to contain a townhouse permitted use, the minimum lot width shall be eighteen (18) feet for interior lots and thirty (30) feet for end lots. (Revised 5/14/2019)
- 6-4-4** Patio and townhouse units shall have no more than three (3) units in an unbroken facade line; an offset must be no less than two (2) feet. (Revised 5/14/2019)
- 6-4-5** For permitted uses on all other lots, the minimum lot width shall be eighty (80) feet, and for any additional permitted uses there shall be at least ten (10) feet of additional lot width.

## **6-5 YARD REGULATIONS**

### **6-5-1 Side**

- .1 The minimum side yard for each single family detached dwelling unit shall be ten (10) feet.
- .2 The minimum side yard for each group of patio houses or for each multiple family structure shall be twenty (20) feet. The minimum side yard for each group of townhouses shall be six (6) feet. (Revised 5/14/2019)
- .3 The minimum enclosed side yard of a patio house shall be twenty (20) feet.

### **6-5-2 Rear**

- .1 The minimum rear yard for each single family detached dwelling unit shall be thirty-five (35) feet, except for clustered single-family dwelling subdivisions which shall require a minimum rear yard for each main structure of twenty-five (25) feet. (Revised 11/27/07)
- .2 The minimum rear yard for each single family detached dwelling unit shall be thirty-five (35) feet.
- .3 The minimum rear yard for each town house shall be twenty (20) feet. (Revised 5/14/2019)
- 6-5-3** The minimum distance between main buildings and building groups shall be forty (40) feet except for townhouse developments where the minimum distance between main buildings and building groups shall be twelve (12) feet. (Revised 5/14/2019)
- 6-5-4** The minimum side and rear yards adjoining or adjacent to the Residential R-1 District for any structure shall be thirty (30) feet, except for clustered single-family dwelling subdivisions which shall require a minimum side yard of ten (10) feet and a minimum rear yard of twenty-five (25) feet. (Revised 11/27/07)
- 6-5-5** Accessory structures and parking areas shall be located five (5) or more feet from the side and rear property lines adjoining or adjacent to the R-1, A-1 or C-1 Districts. (Revised 8/23/11)

## **6-6 OPEN SPACE REQUIREMENTS**

- 6-6-1** The site for single family detached dwelling clustered subdivision shall provide twenty-five percent (25%) of its gross site area as common open space or to a greater amount as stated in Section 5-10-1 of this Ordinance. This area shall not include any residential parking areas or road coverage areas. (Revised 5/8/12)
- 6-6-2** All townhouse developments shall provide 25% of its gross land area as common open space. Common open space shall not include parking areas, road coverage areas, or building footprint areas. Open Space shall include amenity areas in accordance with Section 6-6-3 of this Ordinance. (Revised 5/14/2019)
- 6-6-3** All townhouse developments shall provide 180 square feet of amenity area per residential unit. Amenity area shall provide for usable recreational space and may include walking paths and trails, athletic fields, playgrounds, parks, or any recreational area deemed appropriate by the Zoning Administrator. (Revised 5/14/2019)

### **6-6-4 SUBDIVISIONS**

Clustered subdivisions with provisions for common open space shall be approved subject to the submission of legal instrument(s) setting forth a plan or manner of permanent care and maintenance of such areas. No such instrument(s) shall be acceptable until approval by the county attorney as to legal form and effect, and by the administrator as to suitability for the proposed use of the open area(s).

## **6-7 HEIGHT REGULATIONS**

Buildings may be erected up to forty (40) feet in height except that:

- 6-7-1** A public or semi-public building such as a school or church may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over forty (40) feet.
- 6-7-2** Church spires, belfries, cupolas, water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the wall rest.

**6-7-3** Within multi-family projects with at least three buildings, buildings may be erected up to an average height over the entire Community of fifty (50) feet as measured at the bottom of roof eaves, except that no accessory building shall be more than one story high. (Revised 10/24/17)

**6-8 SPECIAL PROVISIONS FOR CORNER LOTS**

Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

**6-8-1** The corner side yard(s) shall be twenty (25) feet or more from the right of way for both main and accessory buildings. (Revised 11/27/07)

**6-8-2** The corner side yard(s) for townhouses shall be ten (10) feet or more from the right of way or exterior edge of the sidewalk if the sidewalk is outside of the right-of-way for both main and accessory buildings. (Revised 5/14/2019)

**6-9 SPECIAL PROVISIONS REGARDING ACCESS TO RESIDENTIAL LOTS**

**6-9-1** Each residential lot shall have frontage on a VDOT accepted and maintained public street, or on a private street designed to VDOT's Secondary Street Acceptance Requirements, as determined by the Zoning Administrator, and dependent on the proposed street's functional classification. (Revised 11/26/2019)

**6-9-2** In cases where lots do not have frontage on dedicated public streets, the fifty (50) feet public access easement shall be improved with a twenty-four (24) feet minimum width of travel way; said road to have concrete curbs or an equivalent, approved by the Planning Commission, on both sides and a four (4) feet concrete sidewalk or an equivalent approved on at least one side or both sides as determined by the Planning Commission.

**6-11 GENERAL REGULATIONS**

**6-11-1** All permitted uses in an R-2 district shall be served by central water and sewage facilities, unless private systems are approved by the Planning Commission upon recommendation of the Health Department.

**6-11-2.1** Any building site on a lot created after the effective date of this regulation in this district shall have adequate area for the location of two (2) septic drain field areas as approved by the Virginia Department of Health when such lot is not served by a central sewage facility. Nothing contained herein shall be construed to require resubmission of any building site plan approved by the Virginia Department of Health prior to the adoption of this regulation.

**6-11-3** Screening, including an evergreen hedge, a uniformly painted fence, a masonry wall or a combination thereof of permitted uses, may be required by the Administrator.

**6-11-4** Townhouse developments shall provide amenity facilities and improvements in accordance with Section 6-6-3 of this Ordinance. All other residential developments in an R-2 District shall design and construct adequate recreation facilities and improvements for the use of its residents. The definition of adequate shall be based on the number of residents expected in the completed development and a regionally accepted published standard. (Revised 5/14/2019)

**6-11-5** All roads and streets, whether dedicated to the public or not, for any permitted use in an R-2 District shall be built or improved to the specifications of the Virginia Department of Transportation including both construction and design specifications. (Revised 5/14/2019)

**6-12 SIGN REGULATIONS**

Signs shall conform to Article 14 of this ordinance.

**6-13 OFF-STREET PARKING**

Off-street parking shall be provided as required in Article 16 of this ordinance.

## **Article 6A**

### **Senior Residential, SR, (Revised 5/10/05)**

#### **Statement of Intent**

This District is established to provide for the orderly development of Age Restricted Communities. This District shall be located within town centers, as designated in the Greene County Comprehensive Plan, where central water and central sewage is available or will be provided, where commercial and public facilities are easily accessible or will be available within a definitive period of time, and where there is reasonable access to major transportation route or traffic connector. Regulations are designed to accommodate residential land uses at a density average of up to twenty-five (25) dwelling units per acre. Dwelling unit types include single family detached units, and certain multi-family attached units (duplex, triplex, quadplex and townhouse units). Requirements for open space and for the recreation of its residents are included in the provisions for the District.

#### **6A-1 USE REGULATIONS**

In the Senior Residential District SR, structures to be erected or land to be used shall be for the following uses within each main structure meeting minimum lot area, setback, frontage and yard requirements of this ordinance:

##### **6A-1-1 Uses Permitted by Right**

- .1 Age Restricted Communities (100% Age Restricted) meeting the requirements of Section 6.1-2 of this ordinance, and within such Age Restricted Communities (100% Age Restricted), the following uses are permitted by right:
  - .a Single Family Detached Dwellings
  - .b Duplex Type Dwelling Units
  - .c Triplex Type Dwelling Units
  - .d Quadplex Type Dwelling Units
  - .e Townhouse Type Units (not to exceed 8 units per building)
  - .f Patio houses
  - .g Condominiums
  - .h Apartments (Apartment House or Garden Apartments)
  - .i Community facilities, including, but not limited to, clubhouses, or community centers and recreational facilities
- .2 Public facilities and utilities. (Revised 1/11/05)
- .3 Accessory uses or structures as defined. (Revised 1/11/05)
- .4 Home occupations, as defined by Article 22 (Revised 8/23/11)
- .5 Temporary family health care structures as defined by Article 22 and the Virginia State Code §15.2-2292.1 (Revised 7/23/13)

##### **6A-1-2 Uses Permitted by Special Permit**

- .1 Age Restricted Communities (80% Age Restricted) and otherwise meeting the requirements of Section 6.1-2 of this Ordinance, and within such Age Restricted Communities (80% Age Restricted), the following uses:
  - .a Single Family Detached Dwellings
  - .b Duplex Type Dwelling Units
  - .c Triplex Type Dwelling Units
  - .d Quadplex Type Dwelling Units

- .e Townhouse Type Units (not to exceed 8 units per building)
  - .f Patio houses
  - .g Condominiums
  - .h Apartments (Apartment House or Garden Apartments)
  - .i Community facilities, including, but not limited to, clubhouses, or community centers and recreational facilities
- .2 Telecommunication antennas and towers, subject to the conditions in Article 21. (Revised 1/11/05)

## **6A-2 AGE RESTRICTED COMMUNITIES**

In accordance with the age restricted portions of the "Federal Housing for Older Persons Act of 1995", occupancy of age restricted units within the Age Restricted Community (herein "Community") shall be in accordance with the following parameters:

- .1 One hundred percent (100%) of the occupied residential units shall be occupied by at least one person fifty-five (55) years of age or older
- .2 When approved by special use permit, Eighty percent (80%) of the occupied residential units shall be occupied by at least one person fifty five (55) years of age or older.
- .3 Within any age restricted unit or lot, guests or children, 19 years of age or younger, are permitted for periods of time not to exceed twenty-one (21) days total for each such guest in any calendar year.
- .4 If title to any age restricted lot or unit shall become vested in any person under the age of 55 by any reason of descent, distribution, foreclosure or operation of law, these age restrictions covenants shall not work a forfeiture or reversion of title, but rather, such person thus taking title shall not be permitted to reside in such lot or unit until he/she shall have attained the age of 55. Notwithstanding anything to the contrary as may be contained herein, a surviving spouse shall be allowed to continue to occupy a dwelling unit without regard to age.

The above described use restrictions shall be deemed to be automatically amended from time to time in accordance with any changes adopted to applicable local, or state regulations, governing age restricted housing and the "Federal Fair Housing for Older Persons Act." (Revised 1/11/05)

## **6A-3 AREA REGULATIONS**

- .1 Age Restricted Community shall consist of not less than 10 contiguous acres
- .2 Minimum Lot Area for dwelling unit
  - .a 4500 square feet for single family detached dwelling
  - .b no minimum lot area for duplex, triplex, quadplex or townhouse type units
- .3 Maximum density average over entire Community shall be twenty five (25) units per acre

## **6A-4 SETBACK REGULATIONS**

- .1 Front Setback 20 feet
- .2 Side Sideback 0\* feet (\*except that there shall be a minimum distance of 5 feet between a single family detached dwelling and any other building)
- .3 Rear Setback 15 feet. Rear Setback may be five (5) feet when the rear lot line abuts common area or open space with a minimum width of five (5) feet within the SR District. Patios and decks may intrude into setback area. (Revised 5/10/05)
- .4 At all peripheral lot lines (those lot lines adjacent to property not within the age restricted community) the height, setbacks and landscaping and screening provisions shall generally conform to the provisions of the General Residential District, R-2 requirements for peripheral lot lines. If the peripheral lot line abuts a residential PUD then the setbacks governing the abutting lot will be the same as the lot it abuts in the residential PUD. (Revised 5/10/05)
- .5 Handicapped ramps meeting ICC/ANSI A117.1 standards may be located within the required setback, but no closer to any street than the existing right-of-way line or right-of-way

reservation line. (Revised 6/26/12)

**6A-5 FRONTAGE REGULATIONS**

- .1 For lots containing or intending to contain a single family detached dwelling, the minimum lot width shall be forty (40) feet at the building restriction line
- .2 For lots containing or intending to contain a duplex the minimum lot width shall be twenty (20) feet
- .3 For lots containing or intending to contain a triplex, quadplex or townhouse, the minimum lot width shall be twenty (20) feet for interior lots and forty (40) feet for end lots
- .4 Townhouse units shall have no more than three (3) units in an unbroken façade line; an offset must be no less than two and one-half (2-1/2) feet
- .5 Frontage shall consist of either a road accepted into the state system for maintenance and/or a private road with standards approved by the County.

**6A-6 YARD REGULATIONS**

- .1 There shall be no minimum side yard setback for single family detached dwellings; provided, however, that there shall be a minimum distance of 5 feet between a single family detached dwelling and any other building
- .2 There shall be no minimum side yard setback for duplexes; provided, however, that there shall be a minimum distance of 5 feet between a duplex and any other building
- .3 The minimum side yard for each group of triplexes, quadplexes or townhouses shall be twenty (20) feet.

**6A-7 OPEN SPACE REQUIREMENTS**

- .1 For Community with 4 dwelling units or less per acre (average over entire Community), Community shall provide 20% of its gross site area as open space
- .2 For Community with exceeding 4 dwelling units per acre, but less than 8 dwelling units per acre (average over entire Community), Community shall provide 25% of its gross site area as open space
- .3 For Community exceeding 8 dwelling units per acre (average over entire Community), Community shall provide 30% of its gross site area as open space
- .4 All Communities shall set aside 4% of suitable land on site to be developed as community or clubhouse centers, or recreational facilities (active or passive, and which can include walking trails) for use by its residents. This area may be part of the Community's required open space but shall be physically suitable to accommodate activities for residents and appropriately located for use of all residents.

**6A-8 HEIGHT REGULATIONS**

- .1 Buildings may be erected up to an average height over the entire Community of fifty (50) feet as measured at the bottom of roof eaves, except that no accessory building shall be more than 1 story high.

**6A-9 SPECIAL PROVISIONS FOR CORNER LOTS** (Revised 10/28/08)

- .1 Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.
- .2 The corner side yard, shall be twenty (20) feet from edge of right of way.

**6A-10 SPECIAL PROVISIONS REGARDING ACCESS TO RESIDENTIAL LOTS**

- .1 Each residential lot shall have frontage upon an internal street (as defined in Section 6A-12) within the Community.

**6A-11 UTILITIES**

- .1 All uses (residential units and community buildings) shall be served by public water and sewer facilities (public water and sewer facilities being defined as water and sewer provided by



- Greene County and/or the Rapidan Service Authority).
- .2 Where public water and sewer facilities are not available at the Community site, or the development of the Community would involve the extension or enlargement of such water and sewer systems, resulting in higher net public cost or earlier incursion of public cost than would development in a form generally permitted in the area, then and in such event, no subdivision plat for the Community shall be approved, unless and until the Board of Supervisors and Developer have entered into a mutually approved and executed agreement concerning the provision of such water and sewer systems and costs therefore.
  - .3 Above-ground lines will be required to be buried.

#### **6A-12 STREETS**

- .1 All internal streets within the Community may be private and shall be built to Virginia Department of Transportation (VDOT) design standards; provided, however, notwithstanding VDOT design standards, the minimum outside of curb to outside of curb width for such internal streets shall be 23 feet; the minimum width of pavement may be 20 feet; sidewalks four (4) feet in width; and internal streets and travelways shall be permitted to traverse or cross a dam, whether existing or constructed during development of the Community.
- .2 The Community may be gated, and direct access to a public road shall be provided from the entrance gate to the Community.

#### **6A-13 PARKING STANDARDS**

- .1 For each dwelling unit there shall be a minimum of 1 off-street parking space consisting of not less than 162 square feet; provided however that the average parking spaces per dwelling unit over the entire Community shall be 1.5 off-street parking spaces
- .2 Parking Spaces shall be arranged so as to prevent through traffic to other parking areas
- .3 Adequate parking shall be provided for any community facility and shall comply with the provisions of Section 19-5 (site plan ordinance).

#### **6A-14 COMMUNITY FACILITIES**

- .1 All Community Facilities shown and described on the site plan and preliminary subdivision plat for the entire Community shall be completed prior to the issuance of occupancy permits for more than 55% of the dwelling units shown on the preliminary subdivision plat of the entire Community.
- .2 In the event that construction of all Community Facilities has not been completed, the Board of Supervisors may require the developer of the Community to provide the Board of Supervisors with a letter of credit sufficient to guarantee completion of said Community Facilities within 12 months of the date of issuance of the letter of credit, prior to the approval of any additional building permits for more than 55% of the dwelling units shown on the preliminary subdivision plat of the entire Community.

#### **6A-15 SIGN REGULATIONS** (Revised 1/11/05)

Signs shall conform to Article 14 of this ordinance. (Revised 1/11/05)

## **Article 7**

### **Planned Unit Development District (PUD), (Revised 5/18/04)**

#### **Statement Of Intent**

The Planned Unit Development District (PUD) is established to permit greater flexibility in the use and design of structures and land where tracts suitable in location, area and character would more aptly be planned and developed on a unified basis rather than by the traditional "lot by lot" zoning approach. Suitability of such tracts for planning and development proposed for a PUD shall be determined primarily by reference to the existing and prospective character of the surrounding land. The resulting PUD shall ensure ample provisions for the efficient use of the open space, promote high standards in the planning, design and construction of developments, provide opportunities for housing types to meet the needs of people of all income levels, create commercial entities serving the town centers and shall further the purpose and policies of the county land use plan. Therefore, any re-zoning to and development of a PUD shall be allowed only after review of the proposed development plan by agents of the county, the county planning commission and the board of supervisors, in accordance with the prescribed zoning and land subdivision procedures.

#### **7-1 COORDINATION OF PROVISIONS OF DIVISION WITH SUBDIVISION REGULATIONS**

**7-1-1** It is the intent that the PUD district review be carried out simultaneously with subdivision review.

#### **7-2 OWNERSHIP AND MINIMUM AREA OF LAND**

**7-2-1** A tract or parcel of land proposed for a PUD application must be either in one ownership or filed jointly by the owners of all the property included.

**7-2-2** A PUD must include at least ten (10) acres of contiguous land.

#### **7-3 PERMITTED USES**

The following uses are permitted in PUD districts:

- .1 Single-family detached and semi-attached dwellings.
- .2 Duplex dwellings, either detached or semi-attached.
- .3 Multi-family dwelling types.
- .4 Townhouse dwellings.
- .5 Churches.
- .6 Schools.
- .7 Parks, playgrounds, community centers and noncommercial recreational facilities, such as golf courses and tennis courts.
- .8 Uses allowed by right in B-1, B-2 and B-3 zoning districts.
- .9 Public utilities.
- .10 Accessory uses and structures clearly subordinate and incidental to the permitted principal uses and structures.
- .11 Uses permitted by right in the SR Senior Residential district subject to an eight (8) dwelling unit per acre density. (Revised 1/11/05)
- .12 Public facilities. (Revised 1/11/05)
- .13 Temporary Events Zoning Permit as defined by 16-19, excluding residential dwellings and accessory uses (Revised 6/26/12)
- .14 Temporary family health care structures as defined by Article 22 and the Virginia State Code §15.2-2292. (Revised 7/23/13)

### **7-3-1 USES ALLOWED BY SPECIAL USE PERMIT**

- .1 Uses allowed with an approved special use permit in the B-1, B-2 and B-3 zoning districts.
- .2 Telecommunication antennas and towers, subject to the conditions in Article 21. (Revised 1/11/05)
- .3 Uses permitted by special use permit in the SR Senior Residential district subject to an eight (8) dwelling unit per acre density. (Revised 1/11/05)

### **7-4 AVAILABILITY OF PUBLIC SERVICES**

**7-4-1** Relation to major transportation facilities. PUD districts shall be so located with respect to major street and highways or other transportation facilities as to provide direct access to such districts. Access to major highways will be governed by the policies and recommendations of the county land use plan and the subdivision ordinance.

**7-4-2** Relation to utilities and public facilities. PUD districts shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems, and other utility systems and installations that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale or timing resulting in higher net public cost or earlier incursion of public cost than would development in a form generally permitted in the area. Such districts shall be so located with respect to schools, parks, playgrounds and other public facilities required as to have access in the same degree as would development in a form generally permitted in the area. However, if developers will:

- 1. provide private utilities, facilities or services approved by the public agencies which would normally provide such items substituting on an equivalent basis, and assure their satisfactory continuing operation and maintenance permanently or until equivalent public utilities, facilities or services are available, or
- 2. make provisions acceptable to the county for offsetting any added net public cost or early commitment of public funds necessitated by such development, the location of the PUD district may be approved. In any computation of added net public cost, the difference in anticipated public installation, operation and maintenance cost, the difference in anticipated public revenue shall be given due consideration, among other pertinent factors. Cost for making such determinations, as may be required above, shall be paid by applicants. The determination shall be made by the county or by experts acceptable to the county.

### **7-5 SPECIFICATIONS**

**7-5-1** Generally. The following provisions dealing with design regulations set forth the standards judged to be acceptable in meeting the intent of this article. These regulations shall be utilized by developers in drawing up development plans for the PUD district.

**7-5-2** Dwelling unit density.

**7.5 2.1** The density shall not exceed 8 units per acre.

**7-5-3** Open space calculations. Common open space shall comprise at least twenty-five (25) percent of the total gross area of the development. The Board of Supervisors may reduce the percentage of common open space when considering other amenities and the nature of the PUD. (Revised 1/11/05)

**7-5-4** Plan for maintenance of open space. PUDs with provisions for common open space and private streets shall be approved subject to the submission of a legal instrument or instruments setting forth a plan or manner of permanent care and maintenance of such areas. No such instrument shall be acceptable until approval by the county's attorney as to legal form and effect, and by the administrator as to suitability for the proposed use of the open areas.

**7-5-5** Design standards. Design standards pertain to environmental standards for the development site itself and the building arrangements. These shall be as follows:

**7-5-5.1** Environmental design is concerned with the preservation and enhancement of the natural amenities of the development site. Methods for environmental design for topography, vegetation and natural terrain should be addressed to the developer in the site plan through the landscaping scheme.

**7-5-5.2** Dwelling unit arrangements. The following are encouraged.

Example	Features
Clusters	groups of related dwellings common parking areas short cul-de-sacs
End to end arrangements	single access driveway open space for occupants
Courtyards	arrangement around a common courtyard without parking lot

**7-5-5.3** Dwelling unit regulations.

**7-5-5.3.1** Generally. Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses and reduction of noise.

## **7-6 STREETS**

**7-6-1** Public streets. If the streets are to be dedicated for public use, they shall conform to the VDOT road design standards.

**7-6-2** Private Streets. Private Street and drives may be allowed along as they comply with VDOT design standards.

## **7-7 PARKING STANDARDS**

Parking standards shall conform to the requirements listed below:

**7-7-1** For each dwelling unit, there shall be one and a half off-street spaces. (Revised 1/11/05)

**7-7-2** Parking areas shall be arranged so as to prevent through traffic to other parking areas.

**7-7-3** Parking areas shall be screened from adjacent structures, roads and traffic arteries with hedges/dense planting, earth berm, changes in grade or a wall.

**7-7-6** All streets and any off-street loading areas shall be paved and the design thereof approved by the board. All areas shall be marked so as to provide for orderly and safe loading, parking, and storage.

**7-7-7** Parking for nonresidential purposes shall be provided appropriately to the type of nonresidential use, as designated in the Article 16.

**7-7-8** Reserved. (Revised 1/11/05)

**7-7-9** All parking areas and off-street loading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding and other inconveniences.

**7-8 SIGNS**

Signs shall conform to Article 14.

**7-9 NON-RESIDENTIAL USES**

**7-9-1** Generally. Nonresidential uses are designed for the express service and convenience of the residents of the PUD district and town center.

**7-10 PHASED OR STAGED DEVELOPMENT**

A phased or staged plan development may be allowed in a PUD district upon approval by the Board of Supervisors in accordance with the guidelines set out in Section 7-11.

**7-11 DEVELOPMENT PLAN REVIEW PROCEDURES**

**7-11-1** Generally. The administrative review of a request for a PUD district shall be handled in essentially the same manner as other re-zonings. However, a more detailed, step-by-step review process is necessary to ensure the adequacy of the proposed development in light of the standards and policies set forth by this division.

**7-11-3 Preliminary development plan**

**7-11-3.1** Application procedures. Application for re-zoning to a PUD district will be made to the administrator on the standard re-zoning request form. The preliminary development plan required at this time shall consist of:

- a. Preliminary subdivision concept.
- b. Site plan and supporting maps with the following information:
  - .1 The existing site conditions, including contours at, water courses, flood plains, unique natural features and forest cover.
  - .2 Proposed lot lines and plot designs.
  - .3 The location and floor area size of all existing and proposed buildings, structures and other improvements, including maximum height, types of dwelling units, density per type and nonresidential structures, including commercial facilities. Such drawings should be sufficient to relay the basic architectural intent of the proposed improvements, but should not be encumbered with final details at this stage.
  - .4 The location and size, in acres or square feet, of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites and similar public and semipublic uses.
  - .5 The existing and proposed circulation system of arterial, collector and local streets.
  - .6 The existing and proposed pedestrian circulation system, including its interrelation with the vehicular circulation system, indicating proposed treatment of points of conflict.
  - .7 The existing and proposed utility system, above-ground lines of which must be buried, including sanitary sewers, storm sewers, water, electric, gas and telephone lines.
  - .8 A general landscape plan indicating the treatment of materials used for private and common open space, including a grading plan.
  - .9 Enough information on land areas adjacent to the proposed PUD to indicate the relationships between the proposed development and existing/proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the landscape.
  - .10 The proposed treatment of the perimeter of the PUD, including materials and techniques

used, such as screens, fences and walls.

c. Written documents including the following:

- .1 Reserved
- .2 A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
- .3 A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed.
- .4 A statement of the applicant's intentions with regard to the future selling or leasing of all portions of the PUD, such as land areas, dwelling units, etc.
- .5 Quantitative data for the following: total number and types of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate gross and net residential densities; total amount of open space (including a separate figure for usable open space); total amount of nonresidential construction (including a separate figure for commercial or institutional facilities); economic feasibility studies or market analysis where necessary; and other studies as required by the review authority.

**7-11-3.3 Planning Commission Report.**

Specifically, a recommendation of the planning commission shall include the following findings:

- a. As to the suitability of the tract for the general type of PUD district proposed in terms of relation to the comprehensive plan, physical characteristics of the land and its relation to the surrounding area and existing/probable future development.
- b. As to its relationship to major roads, utilities, public facilities and services.

**7-11-3.4 Reserved**

**7-11-3.5 Preliminary Development Plan Approval.**

Preliminary development plan approval shall not constitute or authorize the recording of any plat or the issuance of building permits. Only after the approval of the final development plan can such actions be taken by the applicant.

**7-11-4 Final Development Plan**

**7-11-4.1 Generally.** Within six (6) months of the approval of the preliminary development plan, the applicant shall file with the Zoning Administrator a final development plan contained in a final detailed form the information required in Section 7-11-3.1. At its discretion and for good cause, the Zoning Administrator may extend for six (6) months the period for filing of the final development plan.

**7-11-4.4 Amendments to Final Site Plan.**

No such change may cause any of the following:

- a. An increase in overall coverage of structures.
- b. An increase in the intensity of use.
- c. An increase in the problems of traffic circulation and public utilities.
- d. A reduction in approved open space.
- e. A reduction of off-street parking and loading space.
- f. A reduction in required pavement widths.

**7-12 TIME LIMIT FOR BEGINNING CONSTRUCTION**

If no construction has begun in the PUD within one year from the approval of the site plan and recording of documents, such approval shall lapse and be of no further effect. The Zoning

Administrator, upon showing of good cause by the developer, may grant an extension of six (6) months.

**7-13 ASSURANCE FOR PROVISION AND DEVELOPMENT OF COMMON SPACE**

The Board of Supervisors may require adequate assurance, in a form and manner which it approves, that the common open space shown in the final development plan for a PUD will be provided and developed. The following methods of assurance are intended as illustrative and they may be used singly or in combination or in conjunction with other similar methods:

- .1 Reserved. (Revised 1/11/05)
- .2 The title to the land shown as common open space may be put in escrow. The escrow agreement shall provide that the land is to be held in escrow until the Zoning Administrator has certified to the escrow agent that the PUD has been completed, at which time the common open space is to be conveyed as provided in of this article. The escrow agreement may provide for the release of common open space by the escrow agent in stages. The Zoning Administrator shall certify the completion of each stage of the planned development to the escrow agent. The escrow agreement must provide that a portion of the open space is conveyed in the manner which is provided in Sections 7-5-5 and 7-10, if the planned development is not completed.

## **Article 8**

### **Business (Restricted), B-1**

#### **Statement of Intent**

This District is designed primarily to serve as a transition area between general commercial activities and residential land uses, and to provide areas for businesses and services which are dependent on local neighborhood patronage. Establishments requiring heavy trucking or characterized by other nuisance factors are prohibited.

#### **8-1 USE REGULATIONS**

In the Business District B-1, structures to be erected or land to be used shall be for the following uses:

##### **8-1-1 Uses Permitted by Right (Revised 7/8/14)**

- .01 Accessory uses or structures as defined.
- .02 Art galleries and museums
- .03 Art Studios
- .04 Astrology, Card Reading, Palm Reading and Fortune Telling Shops
- .05 Banks/Financial Institutions with or without drive-up windows,
- .06 Barber/Beauty Shops
- .07 Coffee Shops
- .08 Day Care and Child Care Facilities
- .09 Church, Convents, Monasteries, Rectories and Parish Houses
- .10 Craft and Artisan Trade
- .11 Employment Agencies
- .12 Farmer Market
- .13 Fingernail Salons
- .14 Loan Offices
- .15 Professional Offices
- .16 Public Facilities.
- .17 Public Utilities
- .18 Temporary Buildings for Construction Purposes (not to exceed duration of construction)
- .19 Tourist Information Center
- .20 Temporary Events Zoning Permit as defined by 16-19 (Revised 6/26/12)
- .21 Food Bank, Food Pantry, or similar uses (Revised 7/8/14)
- .22 Mobile Food Unit (Revised 10/14/14)

##### **8-1-2 Uses Permitted by Special Use Permit (Revised 5/12/09)**

- .01 Clubs
- .02 Emergency Care Facilities
- .03 Indoor Recreational Facilities
- .04 Telecommunication antennas and towers
- .04 Water or Sewer Treatment Facilities (Revised 11/10/2020)
- .05 Solar Energy Generation Facilities (Revised 11/10/2020)
- .06 Power Generating Plants (Revised 11/10/2020)
- .07 Gas and Oil Facilities (Revised 11/10/2020)

#### **8-2 SEWER REGULATIONS**

Where the sewage treatment demand exceeds five thousand (5,000) gallons per day, permitted uses shall be served by a central sewer facility as approved by the Health Department and Department of



Environmental Quality. The standard shall also apply to commercial developments with multiple uses that cumulatively exceed five thousand (5,000) gallons per day. Where a permitted use involves new construction and is located within 350 feet of an available sewer collection line of a central sewer facility, such use shall be subject to a mandatory connection to that system.

### **8-3 SETBACK REGULATIONS**

There is no minimal lot size in a B-1 zone other than the area required to meet the standards for setbacks, sewage treatment, or other standards required by this ordinance.

**8-3-1** Structures except signs shall be located twenty-five (25) feet or more from the edge of the right-of-way of any road with three (3) lanes or more, or fifteen (15) feet or more from the edge of the right-of-way of any road with two (2) lanes or less. This shall be known as the setback line. (Revised 5/28/13)

**8-3-2** Public telephone booths may be located within the required setback, but no closer to any street than the existing right-of-way line or right-of-way reservation line, provided that:

- a. Such booths shall be equipped for emergency service to the public without prior payment;
- b. The location of every booth shall be determined by the Zoning Administrator to ensure that the same will not adversely affect the safety of the adjacent highway;
- c. Every such booth shall be subject to relocation, at the expense of the owner, whenever such relocation shall be determined by the Zoning Administrator to be reasonably necessary to protect the public health, safety and welfare or whenever the same shall be necessary to accommodate the widening of the adjacent highway.

### **8-4 YARD REGULATIONS**

**8-4-1** The minimum side and rear yards adjoining or adjacent to a residential, agricultural, or conservation district shall be forty-five (45) feet.

**8-4-2** Accessory structures and uses, including parking areas, shall be located twenty (20) or more feet from side and rear lot lines adjoining or adjacent to a residential district.

### **8-5 HEIGHT REGULATION**

Buildings may be erected up to thirty-five (35) feet in height from grade, except that:

**8-5-1** The height limit for buildings may be fifty (50) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet. (Revised 2/26/13)

**8-5-2** Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

**8-5-3** The Board of Supervisors may authorize, by special exception, issued in accordance with all applicable procedural requirements, to increase the building height regulations. (Revised 2/26/13)

**8-6** **Reserved** (Revised 5/28/13)

### **8-7 GENERAL REGULATIONS**

Screening, including an evergreen hedge, a uniformly painted solid fence, a masonry wall, or a combination thereof, of permitted uses may be required by the Administrator.

### **8-8 SIGN REGULATIONS**

Signs shall conform to Article 14 of this ordinance.

### **8-9 SITE DEVELOPMENT PLAN REGULATIONS**

New uses and changes in use in the B-1 District shall submit a site development plan prior to application for a building permit according to Article 19 of this ordinance.

**8-10 OFF-STREET PARKING**

Off-street parking shall be provided as required by Article 16 of this ordinance.

**8-11 Reserved (Revised 5/14/13)**

## **Article 9**

### **Business (General), B-2**

#### **Statement of Intent**

This District covers those portions of the County intended for the conduct of business to which the public requires frequent and efficient access. Uses permitted in these zones are not characterized either by constant heavy traffic, heavy trucking or by any nuisance factors other than occasioned by incidental light and noise created by the congregation of people and passenger vehicles.

#### **9-1 USE REGULATIONS**

In the Business District B-2, structures to be erected or land to be used shall be for the following uses:

##### **9-1-1 Uses Permitted by Right (Revised 5/12/09)**

- .01 All business uses allowed by right in the B-1 district,
- .02 Caterers (on and off site)
- .03 Clubs
- .04 Funeral Home
- .05 Garden Centers & Nurseries.
- .06 General Stores,
- .07 Liquor Stores
- .08 Movie Theatres
- .09 Nursing Home and/or group homes
- .10 Pet Grooming
- .11 Pet Shops
- .12 Kennel, Small Commercial (Revised 9/25/18)
- .13 Pharmacies
- .14 Photography Studios/Film Developing
- .15 Recording Studios
- .16 Restaurants (with or without drive-thru)
- .17 Retail Shops
- .18 Temporary Events Zoning Permit as defined by 16-19 (Revised 6/26/12)

##### **9-1-2 Uses Permitted by Special Use Permit (Revised 5/12/09)**

- .01 Animal Shelters
- .02 Kennel, Large Commercial (Revised 9/25/18)
- .03 Car Washes
- .04 Flea Markets
- .05 Hotels/Motels,
- .06 Laundry Services
- .07 Mini-storage Units (Revised 5/22/18)
- .08 Veterinary Clinics
- .09 Any business use permitted in the Business B-1 Zoning District under Section 8-1-2 unless allowed by right under Section 9-1-1.

#### **9-2 SEWER REGULATIONS**

Where the sewage treatment demand exceeds five thousand (5,000) gallons per day, permitted uses shall be served by a central sewer facility as approved by the Health Department and Department of Environmental Quality. The standard shall also apply to commercial developments with multiple uses that cumulatively exceed five thousand (5,000) gallons per day. Where a permitted use involves new construction and is located within 350 feet of an available sewer collection line of a central sewer facility, such use shall be subject to a mandatory connection to that system.

**9-3 SETBACK REGULATIONS**

There is no minimal lot size in a B-2 zone other than the area required to meet the standards for setbacks, sewage treatment, or other standards required by this ordinance.

**9-3-1** Structures except signs shall be located twenty-five (25) feet or more from the edge of the right-of-way of any road with three (3) lanes or more, or fifteen (15) feet or more from the edge of the right-of-way of any road with two (2) lanes or less. This shall be known as the setback line. (Revised 5/28/13)

**9-3-2** Public telephone booths may be located within the required setback, but no closer to any street than the existing right-of-way line or right-of-way reservation line, provided that:

- a. Such booths shall be equipped for emergency service to the public without prior payment;
- b. The location of every booth shall be determined by the Zoning Administrator to ensure that the same will not adversely affect the safety of the adjacent highway;
- c. Every such booth shall be subject to relocation, at the expense of the owner, whenever such relocation shall be determined by the Zoning Administrator to be reasonably necessary to protect the public health, safety and welfare or whenever the same shall be necessary to accommodate the widening of the adjacent highway.

**9-4 YARD REGULATIONS**

**9-4-1** The minimum side and rear yard adjoining or adjacent to a residential, agricultural, or conservation district shall be fifty (50) feet.

**9-4-2** Accessory uses including parking areas shall be located within twenty (20) or more feet from side and rear lot lines adjoining or adjacent to a residential district.

**9-5 HEIGHT REGULATIONS**

Buildings may be erected up to thirty-five (35) feet in height from grade, except that:

**9-5-1** The height limit for buildings may be fifty (50) feet from grade provided that required front, side and rear yards shall be increased one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet. (Revised 2/26/13)

**9-5-2** Reserved. (Revised 2/26/13)

**9-5-3** Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

**9-5-4** The Board of Supervisors may authorize, by special exception, issued in accordance with all applicable procedural requirements, to increase the building height regulations. (Revised 2/26/13)

**9-6** **Reserved** (Revised 5/28/13)

**9-7 GENERAL REGULATIONS**

Screening, including an evergreen hedge, a uniformly painted solid fence, a masonry wall, or a combination thereof, of permitted uses may be required by the Administrator.

**9-8 SIGN REGULATIONS**

Signs shall conform to Article 14 of this ordinance.

**9-9 SITE DEVELOPMENT PLAN REGULATIONS**

New uses and changes in use in the B-2 District shall submit a site development plan prior to application for a building permit in accordance with Article 19 of this ordinance.

**9-10 OFF-STREET PARKING**

Off-street parking shall be provided as required by Article 16 of this ordinance.

**9-11** **Reserved** (Revised 5/14/13)

## **Article 10**

### **Business Highway and High Intensity, B-3**

#### **Statement of Intent**

This District covers those portions of the County intended for the conduct of businesses to which the local and transient public requires frequent efficient access. Uses permitted in this zone are characterized by constant heavy traffic and heavy trucking, with adequate infrastructure, created by wholesale/retail activities which service local and regional markets and where there may be heavy congregation of people and passenger vehicles.

#### **10-1 USE REGULATIONS**

In Business District B-3, structures to be erected or land to be used shall be for one or more of the following uses:

##### **10-1-1 Uses Permitted by Right (Revised 5/12/09)**

- .01 All business uses allowed by right in the B-1 and B-2 district,
- .02 Building Material Sales
- .03 Convenience Stores
- .04 Dance Halls
- .05 Equipment Sales and Repair Shops
- .06 Fireworks, temporary only
- .07 Hotels/Motels,
- .08 Mini-storage Units,
- .09 Modular building sales
- .10 Night Clubs
- .11 Parking Structure, open and non-accessory, for storage of private passenger autos only
- .12 Service Contractor
- .13 Equipment rental and leasing provided all equipment shall be screened by a wall, fence, or landscaping screen not less than six (6) feet in height
- .14 Vehicle Repair Garages,
- .15 Vehicle Sales, Service and Rental Business
- .16 Temporary Events Zoning Permit as defined by 16-19 (Revised 6/26/12)
- .17 Light Industrial, Research, Development and Related Manufacturing as provided in Article 10-12, that is less than 25,000 square feet (Revised 4/14/2020)

##### **10-1-2 Uses Permitted by Special Use Permit (Revised 5/12/09)**

- .01 Auction Galleries,
- .02 Fuel Distribution Center,
- .03 Highway Retail Service Centers/Truck Stops,
- .04 Hospitals
- .05 Outdoor Recreation Facilities,
- .06 Portable Sanitation, sale/rental and storage
- .07 Bus, Truck and Taxi Terminals,
- .08 Heavy equipment and heavy vehicle parking and storage yard
- .09 Any business use permitted in the Business B-1 or B-2 Zoning District under Section 8-1-2 or 9-1-2 unless allowed by right under Section 10-1-1.
- .10 Light Industrial, Research, Development and Related Manufacturing as provided in Article 10-12 that exceeds 25,000 square feet (Revised 4/14/2020)

#### **10-2 SEWER REGULATIONS**

Where the sewage treatment demand exceeds five thousand (5,000) gallons per day, permitted uses shall be served by a central sewer facility as approved by the Health Department and Department of Environmental

Quality. The standard shall also apply to commercial developments with multiple uses that cumulatively exceed five thousand (5,000) gallons per day. Where a permitted use involves new construction and is located within 350 feet of an available sewer collection line of a central sewer facility, such use shall be subject to a mandatory connection to that system.

### **10-3 SETBACK REGULATIONS**

There is no minimal lot size in a B-3 zone other than the area required to meet the standards for setbacks, sewage treatment, or other standards required by this ordinance.

**10-3-1** Structures except signs shall be located twenty-five (25) feet or more from the edge of the right-of-way of any road with three (3) lanes or more, or fifteen (15) feet or more from the edge of the right-of-way of any road with two (2) lanes or less. This shall be known as the setback line. (Revised 5/28/13)

**10-3-2** Public telephone booths may be located within the required setback, but no closer to any street than the existing right-of-way line or right-of-way reservation line, provided that:

- a. Such booths shall be equipped for emergency service to the public without prior payment;
- b. The location of every booth shall be determined by the Zoning Administrator to ensure that the same will not adversely affect the safety of the adjacent highway;
- c. Every such booth shall be subject to relocation, at the expense of the owner, whenever such relocation shall be determined by the Zoning Administrator to be reasonably necessary to protect the public health, safety and welfare or whenever the same shall be necessary to accommodate the widening of the adjacent highway.

### **10-4 YARD REGULATIONS**

**10-4-1** The minimum side and rear yards adjoining or adjacent to a residential, agricultural, or conservation district shall be fifty (50) feet.

**10-4-2** Accessory uses, including parking areas, shall be located twenty (20) or more feet from side and rear lot lines adjoining or adjacent to a residential, agricultural, or conservation district.

### **10-5 HEIGHT REGULATIONS**

Buildings may be erected up to thirty-five (35) feet in height from grade, except that:

**10-5-1** The height limit for buildings may be fifty (50) feet from grade provided that required front, side and rear yards shall be increased one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet. (Revised 2/26/13)

**10-5-2** Cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

**10-5-3** No accessory structure which is within ten (10) feet of any lot line shall be more than one (1) story high; accessory structures shall be less than the main structures in height, except as herein provided. (Revised 8/23/11)

**10-5-4** The Board of Supervisors may authorize, by special exception, issued in accordance with all applicable procedural requirements, to increase the building height regulations. (Revised 2/26/13)

**10-6 Reserved** (Revised 5/28/13)

### **10-7 GENERAL REGULATIONS**

Screening, including an evergreen hedge, a uniformly painted solid fence, a masonry wall, or a combination thereof, of permitted uses may be required by the Administrator.

### **10-8 SIGN REGULATIONS**

Signs shall conform to Article 14 of this ordinance.

### **10-9 SITE DEVELOPMENT PLAN REGULATIONS**

New uses and changes in use in the B-3 District shall submit a site development plan prior to application for a building permit in accordance with Article 19 of this ordinance.

#### **10-10 OFF-STREET PARKING**

Off-street parking shall be provided as required by Article 16 of this Ordinance.

#### **10-11 INTERIOR CIRCULATION AISLES**

Interior circulation aisles shall have a minimum width of twenty (20) feet. Adequate control devices such as signing, pavement markings and physical barriers may be required under the provisions of Article 19 for a site development plan. When feasible, internal aisles and traffic patterns may be planned to provide off-highway access to adjoining compatible commercial uses and properties, and designed to connect with such internal aisles as may be existing or anticipated on these adjacent properties.

#### **10-12 Light Industrial, Research, Development, and Related Manufacturing (By-Right with Performance Standards) (Revised 4/14/2020)**

##### **Minimum Performance Standards**

- All outdoor storage shall be screened
- All uses shall be conducted entirely within enclosed structures
- The maximum by right unit sizes shall be 25,000 square feet. A special use permit is required for unit sizes that exceeds 25,000 square feet
- Loading bays:

All loading bays shall be located so that they are not visible from road right-of-way. All loading bays shall be screened from view by the building, landscaping, walls or decorative fencing.

Except during the process of loading or unloading, trucks and trailers shall not be parked outside the building, unless parked in screened areas not visible from adjacent road right-of-ways or properties.

The Zoning Administrator may waive any and all of the loading bay location and screening requirements when a site is bordered by two or more road rights-of-ways. In no case shall a loading bay be visible from an arterial or collector road, as identified by the Greene County Comprehensive Policy Plan.

- Deliveries to such uses located adjacent to residential areas shall not occur after 11:00 p.m. or before 6:00 a.m.
- Site lighting shall be provided by fixtures that are compatible in style and illumination levels with the architecture of the principal building on the site and are not greater than twenty-five (25') in height. All fixtures shall be full cut off and meet the dark sky approved standards.
- Such uses shall be designed to minimize the noise impact of trucks, forklifts, and other heavy equipment on adjacent or nearby residential properties and to prevent such noise from being audible on adjacent or nearby residential properties at any greater level than typical for residential areas.
- Façade: The building shall have exposed exterior walls (above finished grade) of brick, natural stone, glass, stucco, exposed aggregated concrete or equivalent permeant architecturally finished material. Metal and/or aluminum may be incorporated for window and decorative treatments only.
- If within 350' of infrastructure, the facilities shall utilize public water and sewer facilities as provided by RSA.

## **Article 11**

### **Industrial (Limited), M-1**

#### **Statement of Intent**

The purpose of this District is to permit limited industrial uses and other uses for which satisfactory evidence is presented that such uses will not adversely affect any contiguous district or property by reason of odor, glare, smoke, dust, vibrations, noise, sight or contamination of water, air, and land. This District shall be located near a labor supply, near adequate transportation access, and in areas where environmental impact will be minimal. (Revised 12/10/13)

#### **11-1 USE REGULATIONS**

In Industrial District M-1 structures to be erected or land to be used shall be for the following uses.

##### **11-1-1 Uses Permitted by Right**

- .1 Fabrication assembly plants for small equipment.
- .2 Commercial greenhouses and nurseries.
- .3 Manufacture, compounding, processing of apparel, agricultural produce, bakery goods, candy, food products, musical instruments, toys, pottery, baskets, figurines, or other similar ceramic products.
- .4 Bottling works.
- .5 Printing works.
- .6 Auto and motor vehicle sales and service.
- .7 Small machinery sales and service.
- .8 Vending machines sales and service.
- .9 Welding and blacksmith shops (under cover).
- .10 Agricultural supply, farm machinery sales and service.
- .11 Moving and storage facilities.
- .12 Plumbing, electrical supplies, air conditioning establishments.
- .13 Building material yards.
- .14 Contractor's equipment storage yards.
- .15 Wholesale businesses.
- .16 Warehousing.
- .17 Cabinet, furniture and upholstery shops.
- .18 Research and development facilities.
- .19 Trade schools.
- .20 Office buildings.
- .21 Restaurants serving primarily an on-site facility.
- .22 Public utilities: (Revised 11/10/2020)
- .23 Accessory buildings.
- .24 Public offices and other public buildings as defined under Article 22. (Revised 5/12/09)
- .25 Temporary Events Zoning Permit as defined by 16-19 (Revised 6/26/12)
- .26 Indoor Recreational Facilities (Revised 12/10/13)
- .27 Mobile Food Unit (Revised 10/14/14)

##### **11-1-2 Uses Permitted by Special Use Permit**

- .1 Any use requiring laboratory analysis of animals, vegetables, or minerals.
- .2 Septic tank sales and service.
- .3 Stone and monument works.
- .4 Boat building.
- .5 Manufacture or finishing of modular units made from wood or other material designed for use as components in building construction of all types.
- .6 Reserved (Revised 11/10/2020)
- .7 Expansion beyond fifty (50) percent for buildings or groups of buildings.



- .8 Ground disturbing exploratory activities.
- .9 Woodyards.
- .10 One single family residential unit per parcel, detached or located within the same structure as the main use. Such residential unit is intended for use by the owner or tenant for security purposes.
- .11 Home heating oil and petroleum products retail storage and distribution.
- .12 Recycling Center (Revised 5/27/14).
- .13 Water or Sewer Treatment Facilities (Revised 11/10/2020)
- .14 Solar Energy Generation Facilities (Revised 11/10/2020)
- .15 Power Generation Plants (Revised 11/10/2020)
- .16 Gas and Oil Facilities (Revised 11/10/2020)

## **11-2 AREA REGULATIONS**

The gross acreage of the industrial area shall be a minimum of five (5) acres. No minimum individual lot size is required, except that for uses not served by a public sewer system, the Health Department shall approve a minimum required area. Where the sewage treatment demand exceeds forty thousand (40,000) gallons per day or where more than four hundred (400) persons are to be served, such area shall be served by a central sewer facility, as approved by the Health Department and the State Water Control Board. Where water supplies are to serve twenty-five (25) or more persons or more than fifteen (15) connections, such area shall be served by a central water facility.

## **11-3 SETBACK REGULATIONS**

Structures except signs shall be located twenty-five (25) feet or more from the edge of the right-of-way of any road with three (3) lanes or more, or fifteen (15) feet or more from the edge of the right-of-way of any road with two (2) lanes or less. This shall be known as the setback line. (Revised 5/28/13)

- 11-3-1** Public telephone booths may be located within the required setback, but no closer to any street than the existing right-of-way line or right-of-way reservation line, provided that:
- a. Such booths shall be equipped for emergency service to the public without prior payment;
  - b. The location of every booth shall be determined by the Zoning Administrator to ensure that the same will not adversely affect the safety of the adjacent highway;
  - c. Every such booth shall be subject to relocation, at the expense of the owner, whenever such relocation shall be determined by the Zoning Administrator to be reasonably necessary to protect the public health, safety, and welfare or whenever the same shall be necessary to accommodate the widening of the adjacent highway.

## **11-4 YARD REGULATIONS**

- 11-4-1** The minimum side and rear yards adjoining or adjacent to a residential district shall be fifty (50) feet. The minimum side and rear yards adjoining or adjacent to agricultural and conservation districts shall be forty (40) feet.
- 11-4-2** Accessory uses, including parking areas, shall be located twenty (20) or more feet from side and rear lot lines adjoining or adjacent to a residential, agricultural, or conservation district.

## **11-5 HEIGHT REGULATIONS**

- 11-5-1** Buildings may be erected up to a height of sixty (60) feet. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four (4) feet above the limited height of the building on which the walls rest. (Revised 2/26/13)
- 11-5-2** The Board of Supervisors may authorize, by special exception, issued in accordance with all applicable procedural requirements, to increase the building height regulations. (Revised 2/26/13)

## **11-6 SIZE AND COVERAGE REGULATIONS**

Buildings or groups of buildings may cover up to fifty (50) percent of the area of the lot. Buildings or groups of buildings with their accessory buildings, storage areas, loading areas, driveways and access roads may cover up to seventy-five (75) percent of the area of the lot.

**11-7    Reserved** (Revised 5/28/13)

**11-8    GENERAL REGULATIONS**

**11-8-1** Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed by such fencing or screening as noted on the approved site development plan.

**11-8-2** Landscaping may be required within any established or required front or side setback area by the Administrator.

**11-8-3** Screening, including an evergreen hedge, a uniformly painted solid fence, a masonry wall, or a combination thereof, of permitted uses may be required by the Administrator.

**11-8-4** Planting and/or preservation of trees and shrubs in the twenty (20) feet of side and rear yards adjoining or adjacent to residences or a residential district or area may be required by the Administrator in order to establish a buffer between uses.

**11-9    SIGN REGULATIONS**

Signs shall conform to Article 14 of this ordinance.

**11-10    SITE DEVELOPMENT PLAN REGULATIONS**

New uses and changes in use in the M-1 District shall submit a site development plan prior to application for a building permit in accordance with Article 19 of this ordinance.

**11-11    OFF-STREET PARKING**

Off-street parking shall be provided as required by Article 16 of this ordinance.

## **Article 12**

### **Industrial (General), M-2**

#### **Statement of Intent**

The purpose of this District is to permit industrial uses and other uses which typically possess low to moderate environmental impact; as well as uses which might otherwise have a detrimental impact on Greene County's quality of residential neighborhoods and commercial districts. (Revised 3/25/08) All uses shall be in a park or park-like setting, in a location near adequate transportation access, and near an adequate labor source. The impact of this District on residential areas should be minimal. (Revised 12/10/13)

#### **12-1 USE REGULATIONS**

In Industrial District M-2 structures to be erected or land to be used shall be for the following uses.

##### **12-1-1 Uses Permitted by Right**

- .1 Fabrication assembly plants for small equipment.
- .2 Manufacture, processing, fabrication, assembly, distribution of products such as, but not limited to: apparel, agricultural produce, bakery goods, food products, musical instruments, toys, baskets, pottery, figurines, or other similar ceramic products, electrical and electronic equipment and components including radio, telephone, computer, communication equipment, TV receiving sets, phonograph, and compact discs.
- .3 Bottling works.
- .4 Welding and blacksmith shops.
- .5 Moving and storage facilities.
- .6 Contractor's equipment storage yards.
- .7 Wholesale businesses.
- .8 Warehousing.
- .9 Research and development facilities.
- .10 Heavy equipment sales and service.
- .11 Stone or monument works.
- .12 Manufacture or finishing of modular units made from wood or other materials, and designed for uses as components in building construction of all types.
- .13 Coal and wood yards.
- .14 Wood preserving operations.
- .15 Meat, poultry, and fish processing.
- .16 Office buildings.
- .17 Accessory buildings.
- .18 Public Utilities
- .19 Recording studios, broadcasting studios and related facilities.
- .20 Public offices and other public building as defined under Article 22. (Revised 5/12/09)
- .21 Fireworks, temporary only. (Revised 1/11/05)
- .22 Public facilities. (Revised 1/11/05)
- .23 Mulch production facility. (Revised 1/11/05)
- .24 All industrial uses allowed by right in the M-1 district (Revised 3/10/09)
- .25 Temporary Events Zoning Permit as defined by 16-19 (Revised 6/26/12)
- .26 Indoor Recreational Facilities (Revised 12/10/13)

##### **12-1-2 Uses Permitted by Special Use Permit**

- .1 Abattoirs.
- .2 Fertilizer manufacture.
- .3 Petroleum storage.
- .4 Natural resource extraction and processing.

- .5 Truck terminals.
- .6 Concrete batching plants.
- .7 Asphalt plants.
- .8 Sand and gravel operations.
- .9 Crushed stone operations and quarrying.
- .10 Manufacture of brick and cinder block.
- .11 Heliports.
- .12 Auto junkyards.
- .13 Laboratories (pharmaceutical or medical).
- .14 Reserved (11/10/2020).
- .15 Disposal of nuclear waste and dangerous chemicals.
- .16 Ground disturbing exploratory activities.
- .17 One single family residential unit per parcel, detached or located within the same structure as the main use. Such residential unit is intended for use by the owner or the tenant for use by the owner or the tenant for security purposes.
- .18 Manufacture, processing, fabrication, assembly, distribution of products such as, but not limited to: artists supplies and equipment; business office machines and equipment; cosmetics including perfumes, perfumed toiletries and perfumed toilet soap; drafting supplies and equipment; electrical lighting and wiring equipment; glass products made of purchased glass; industrial controls, jewelry, silverware; light machinery and machine parts including electrical household appliances but not including such things as clothes washers, dryers and refrigerators; paper products such as die-cut paperboard and cardboard, sanitary paper products, bags and containers; photographic equipment and supplies including processing and developing plant; rubber, metal stamps; small electrical parts such as coils, condensers, transformers, crystal holders; surgical, medical, and dental instruments and supplies; sporting and athletic equipment, except firearms, ammunition or fireworks; watches, clocks and similar timing devices; and wood cabinets and furniture, upholstery.
- .19 Home heating oil and petroleum products retail storage and distribution.
- .20 Any uses permitted under Section 10-1-1 or 10-1-2 not included under Section 11-1-1 or 11-2-1.
- .21 Adult Entertainment (Revised 3/25/08)
- .22 Adult Bookstore or Adult Video Store (Revised 3/25/08)
- .23 All industrial uses allowed by special use permit in the M-1 district. (Revised 3/10/09)
- .24 Water or Sewer Treatment Facilities (Revised 11/10/2020)
- .25 Utility Scale Solar Energy Generation Facilities (Revised 11/10/2020)
- .26 Power Generation Plants (Revised 11/10/2020)
- .27 Gas and Oil Facilities (Revised 11/10/2020)

## **12-2 AREA REGULATIONS**

The gross acreage of the industrial area shall be a minimum of fifteen (15) acres. No minimum individual lot size is required, except that for uses not served by a public sewer system, the Health Department shall approve a minimum required area. Where the sewerage treatment demand exceeds forty thousand (40,000) gallons per day or where more than four hundred (400) persons are to be served, such areas shall be served by a central sewer facility, as approved by the Health Department and the State Water Control Board. Where water supplies are to serve twenty-five (25) or more persons or more than fifteen (15) connections, such areas shall be served by a central water facility.

## **12-3 SETBACK REGULATIONS**

Structures except signs shall be located twenty-five (25) feet or more from the edge of the right-of-way of any road with three (3) lanes or more, or fifteen (15) feet or more from the edge of the right-of-way of any road with two (2) lanes or less. This shall be known as the setback line. (Revised 5/28/13)

- 12-3-1** Public telephone booths may be located within the required setback, but no closer to any street than the existing right-of-way or right-of-way reservation line, provided that:

- a. Such booths shall be equipped for emergency service to the public without prior payment;
- b. The location of every booth shall be determined by the Zoning Administrator to ensure that the same will not adversely affect the safety of the adjacent highway;
- c. Every such booth shall be subject to relocation at the expense of the owner, whenever such relocation shall be determined by the Zoning Administrator to be reasonably necessary to protect the public health, safety and welfare or whenever the same shall be necessary to accommodate the widening of the adjacent highway.

#### **12-4 YARD REGULATIONS**

**12-4-1** The minimum side and rear yards adjoining or adjacent to a residential district shall be fifty (50) feet. The minimum side and rear yards adjoining or adjacent to agricultural and conservation districts shall be forty (40) feet.

**12-4-2** Accessory uses, including parking areas, shall be located twenty (20) or more feet from side and rear lot lines adjoining or adjacent to a residential, agricultural or conservation district. All trees over four inches in diameter within forty (40) feet shall either be preserved during construction or be replaced with new saplings following construction.

#### **12-5 HEIGHT REGULATIONS**

**12-5-1** Building may be erected up to a height of sixty (60) feet. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four (4) feet above the limited height of the building on which the walls rest.

**12-5-2** The Board of Supervisors may authorize, by special exception, issued in accordance with all applicable procedural requirements, to increase the building height regulations. (Revised 2/26/13)

#### **12-6 COVERAGE REGULATIONS**

Buildings or groups of buildings, together with their accessory buildings, storage areas, loading areas, parking lots, driveways and access road may cover up to eighty (80) percent of the area of the lot.

**12-7 Reserved** (Revised 5/28/13)

#### **12-8 GENERAL REGULATIONS**

**12-8-1** Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed by such fencing or screening as noted on the approved site development plan.

**12-8-2** Landscaping may be required within any established or required front or side setback area by the Administrator.

**12-8-3** Screening, including an evergreen hedge, a uniformly painted solid fence, a masonry wall, or a combination thereof, of permitted uses may be required by the Administrator.

**12-8-4** Planting and/or preservation of trees and shrubs in the twenty (20) feet of the side and rear yards adjoining or adjacent to a residential district may be required by the Administrator in order to establish a buffer between uses.

#### **12-9 SIGN REGULATIONS**

Signs shall conform to Article 14 of this Ordinance.

#### **12-10 SITE DEVELOPMENT PLAN REGULATIONS**

New uses and changes in use in the M-2 District shall submit a site development plan prior to application for a building permit in accordance with Article 19 of this Ordinance.

#### **12-11 OFF-STREET PARKING**

Off-street parking shall be provided as required by Article 16 of this Ordinance.

## Article 13

### General Floodplain District, FP (Revised 3/23/21)

#### 13-1 GENERAL PROVISIONS:

##### 13-1-1 Statutory Authorization and Purpose [44 CFR 59.22(a)(2)]

In accordance with these directed provisions, this ordinance is specifically adopted pursuant to the authority granted to localities by Va. **Code** § 15.2 - 2280.

Va. **Code** § 15.2-2283 specifies that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of § 15.2-2200 which encourages localities to improve the public health, safety, convenience, and welfare of their citizens. To these ends, flood ordinances shall be designed to provide for safety from flood, to facilitate the provision of flood protection, and to protect against loss of life, health, or property from flood.

The purpose of these provisions is to prevent the loss of life, health, or property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- a. Regulating uses, activities, and development which, alone or in combination with other existing or anticipated uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
- b. Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding.
- c. Requiring all those uses, activities, and developments that do occur in floodplain districts to be protected and/or floodproofed against flooding and flood damage.
- d. Provide information to assist potential buyers of land or structures in determining risks of flood hazards.

##### 13-1-2 Applicability

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of Greene County, Virginia, and identified as areas of special flood hazard shown on the flood insurance rate map (FIRM) or included in the flood insurance study (FIS) that are provided to the County of Greene by FEMA.

##### 13-1-3 Compliance and Liability

- a. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered accepted in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- b. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or land uses permitted within such districts will be free from flooding or flood damages.
- c. This ordinance shall not create liability on the part of Greene County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

#### **13-1-4 Abrogation and Greater Restrictions**

To the extent that the provisions are more restrictive, this ordinance supersedes any ordinance currently in effect in flood-prone districts. To the extent that any other existing law or regulation is more restrictive or does not conflict it shall remain in full force and effect.

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

#### **13-1-5 Severability**

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

#### **13-1-6 Penalty for Violations [44 CFR 60.2(e)]**

Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of the County of Greene shall be guilty of the appropriate violation and subject to the penalties thereof.

The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the Zoning Ordinance of the County of Greene are addressed in Article 20-4 of the Greene County Zoning Ordinance.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this article may be declared by the County of Greene to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

#### **13-1-7 - ADMINISTRATION**

##### **13-1-7.1 Designation of the Floodplain Administrator [44 CFR 59.22(b)]**

The Zoning Administrator is hereby appointed to administer and implement these regulations. The Zoning Administrator may:

- A. Do the work themselves. In the absence of a designated Zoning Administrator, the duties are conducted by the County of Greene chief executive officer.
- B. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- C. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

##### **13-1-7.2 Duties and Responsibilities of the Floodplain Administrator [44 CFR 60.3]**

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
- B. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- C. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- D. Review applications to determine whether all necessary permits have been obtained from the Federal, State, or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
- E. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE), and have submitted copies of such notifications to FEMA.
- F. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
- G. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
- H. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
- I. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the County of Greene, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.



- J. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
1. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps), and Letters of Map Change; and
  2. Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- K. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- L. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- M. Administer the requirements related to proposed work on existing buildings:
1. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
  2. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
- N. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
- O. Notify the Federal Emergency Management Agency when the corporate boundaries of the County of Greene have been modified and:

1. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
  2. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- P. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- Q. It is the duty of the Community Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

### **13.1-7.3 Submitting Model Backed Technical Data [44 CFR 65.3]**

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but no later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. The community may submit data via a LOMR. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates, and floodplain management requirements will be based upon current data.

### **13-2 DEFINITIONS**

- A. Appurtenant or accessory structure - A non-residential structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures are not to exceed *600 square feet*<sup>1</sup>.
- B. Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.
- C. Base flood elevation - The water surface elevations of the base flood, that is, the flood level that has one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.
- D. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.

- E. Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
- F. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, temporary structures, mining, dredging, filling, grading, paving, excavation, drilling or other land-disturbing activities or permanent or temporary storage of equipment or materials.
- G. Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).
- H. Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- I. Existing construction - For the purposes of the insurance program, structures for which the "start of construction" commenced before September 10, 1984, the effective date of the FIRM. "Existing construction" may also be referred to as "existing structures" and "pre-FIRM."
- J. Flood or flooding -
1. A general or temporary condition of partial or complete inundation of normally dry land areas from:
    - a. The unusual and rapid accumulation or runoff of surface waters from any source.
    - b. Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when the earth is carried by a current of water and deposited along the path of the current.
  2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which result in flooding as defined in paragraph 1 (a) of this definition.
- K. Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- L. Flood Insurance Study (FIS) - a report by FEMA that examines, evaluates, and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudflow and/or flood-related erosion hazards.
- M. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
- N. Floodproofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or reduce flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

- O. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.
- P. Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.
- Q. Highest adjacent grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- R. Historic structure - Any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
  4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - a. By an approved state program as determined by the Secretary of the Interior; or,
    - b. Directly by the Secretary of the Interior in states without approved programs.
- S. Hydrologic and Hydraulic Engineering Analysis - Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.
- T. Letters of Map Change (LOMC) - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:
- Letter of Map Amendment (LOMA) - An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.
- Letter of Map Revision (LOMR) - A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- Conditional Letter of Map Revision (CLOMR) - A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for

such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.

- U. Lowest adjacent grade - the lowest natural elevation of the ground surface next to the walls of a structure.
- V. Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
- W. Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- X. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- Y. Manufactured (Mobile) Home Park or Subdivision, Existing - A manufactured (mobile) home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.
- Z. Manufactured (Mobile) Home Park or Subdivision, Expansion to Existing Site - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.)
- AA. Manufactured (Mobile) Home Park or Subdivision, New - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the community.
- BB. Mean Sea Level – for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.
- CC. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after September 10, 1984 and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- DD. Post-FIRM structures - A structure for which construction or substantial improvement occurred on or after September 10, 1984
- EE. Pre-FIRM structures - A structure for which construction or substantial improvement occurred before September 10, 1984

- FF. Recreational vehicle - A vehicle which is:
1. Built on a single chassis;
  2. 400 square feet or less when measured at the largest horizontal projection;
  3. Designed to be self-propelled or permanently towable by a light duty truck; and,
  4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- GG. Repetitive Loss Structure - A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.
- HH. Severe repetitive loss structure - a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage - (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.
- II. Shallow flooding area - A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- JJ. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 13-3-1 of this ordinance.
- KK. Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. – 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural parts of a building, whether or not that alteration affects the external dimensions of the building.
- LL. Storage: All new construction and substantial improvements must have any fully enclosed area below the lowest floor useable solely for storage, parking, or access. The type of storage permitted in an enclosed lower area should be limited to that which is incidental and accessory to the principal use of the structure. For example, if the structure is a residence, storage should be limited to items such as lawn and garden equipment, snow tires, and other low damage items which will not suffer flood damage or can be conveniently moved to the elevated part of the building.

- MM. Structure - for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- NN. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. *It also means flood-related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repair, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.*
- OO. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The term does not, however, include either:
1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
  2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
  3. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause the removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.
- PP. Violation - the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.
- QQ. Watercourse - A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

### **13-3 ESTABLISHMENT OF ZONING DISTRICTS**

#### **13-3-1 Description of Special Flood Hazard**

##### **A. Basis of Districts**

The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for the County of Greene prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated March 23, 2021, and any subsequent revisions or amendments thereto.

The County of Greene may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high-water marks, or approximate study methodologies.

The boundaries of the SFHA Districts are established as shown on the FIRM which is declared to be a part of this ordinance and which shall be kept on file at the County of Greene offices.

1. The **A Zone** on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)]:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one percent annual chance floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from Federal, State, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted practices, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Zoning Administrator.

The Zoning Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood *level plus eighteen (18) inches*<sup>2</sup>.

During the permitting process, the Zoning Administrator shall obtain:

- a. The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and,
- b. If the structure has been floodproofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been floodproofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser<sup>3</sup>.

#### B. Overlay Concepts

1. The Floodplain District described above shall be overlays to the existing underlying area as shown on the Official Zoning Ordinance Map, and as such, the provisions of the floodplain district shall serve as a supplement to the underlying district provisions.
2. Any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
3. In the event any provisions concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.



### **13-3-2 Official Zoning Map**

The Boundaries of the Floodplain District are established as shown on the Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the County offices

### **13-3-3 District Boundary Changes**

The delineation of any of the Floodplain District may be revised by the Board of Supervisors where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

### **13-3-4 Interpretation of District Boundaries**

Initial interpretations of the boundaries of the Floodplain District shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

## **13-4 DISTRICT PROVISIONS**

### **13-4-1 General Provisions**

#### **A. Permit Requirement**

All uses, activities, and development occurring within any Floodplain District shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance and with all other applicable codes and ordinances, such as the Virginia Uniform statewide Building Code and the Greene County Subdivision Regulations. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flood. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.

#### **B. Alteration or Relocation of Watercourse**

Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U.S. Corps of Engineers, the Virginia State Water Control Board, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organization). Further notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Division of Soil and Water Conservation (Department of Conservation and Recreation), and the Federal Insurance Administration.

#### **C. Site Plans and Permit Applications**

All applications for development within any floodplain district and all permits issued for the floodplain shall incorporate the following information:

1. The elevation of the Base Flood at the site.
2. For structures to be elevated, the elevation of the lowest floor
3. For structures to be floodproofed (non-residential only), the elevation to which the structure will be floodproofed.
4. Topographic information showing existing and proposed ground elevations

### **13-4-2 General Standards**

The following provisions shall apply to all permits:

1. New construction and substantial improvements shall be built according to this ordinance and the VA USBC and anchored to prevent flotation, collapse, or lateral movement of the structure.
2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including ductwork, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
9. In addition to provisions A – H above, in all special flood hazard areas, the additional provisions shall apply:
10. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction, a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and the Federal Emergency Management Agency.
11. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

### 13-4-3 Elevation and Construction Standards

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with Article 13-3-1. A.1 the following provisions shall apply:

#### A. Residential Construction

New construction or substantial improvement of any structure (including manufactured homes) in Zone A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood level *plus eighteen (18) inches*.

#### B. Non-Residential Construction

1. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level *plus eighteen (18) inches*.

#### C. Space Below the Lowest Floor

In zones A, AE, AH, AO, and A1-A30, fully enclosed areas, of a new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. Not be designed or used for human habitation, but shall be used solely for parking of vehicles, building access, or storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. Be constructed entirely of flood-resistant materials below the regulatory flood protection elevation;
3. Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
  - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
  - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
  - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
  - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.

- e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

#### D. Accessory Structures

1. Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of Article 13-4-2. B or, if not elevated or dry floodproofed, shall:
  - a. Not be used for human habitation;
  - b. Be limited to no more than *600 square feet* in total floor area;
  - c. Be useable only for parking of vehicles or storage;
  - d. Be constructed with flood damage-resistant materials below the base flood elevation;
  - e. Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
  - f. Be anchored to prevent flotation
  - g. Have electrical service and mechanical equipment elevated to or above the base flood elevation;
  - h. Shall be provided with flood openings which shall meet the following criteria:
    - (1) There shall be a minimum of two flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.
    - (2) The total net area of all flood openings shall be at least 1 square inch for each square foot of enclosed area (non-engineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual certification or an Evaluation Report issued by the ICC Evaluation Service, Inc.
    - (3) The bottom of each flood opening shall be 1 foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.
    - (4) Any louvers, screens, or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.

#### E. Standards for Manufactured Homes and Recreational Vehicles

1. In zone A, all manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in Article 13-4-1 and 13-4-2.
2. All recreational vehicles placed on sites must either:
  - a. Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
  - b. Meet all the requirements for manufactured homes in Article 13-4.3. E.1.

#### **13-4-4 Design Criteria for Utilities and Facilities**

##### **A. Sanitary Sewer Facilities**

All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

##### **B. Water Facilities**

All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.

##### **C. Drainage Facilities**

All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage away from building and on-site waste disposal sites. The Board of Supervisors may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

##### **D. Utilities**

All utilities, such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.

##### **E. Streets and Sidewalks**

Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

#### **13-4-5 Standards for Subdivision Proposals**

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards
- D. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

#### **13-5 VARIANCES: FACTORS TO BE CONSIDERED**

Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acres or less in size contiguous

to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this Section.

Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this Section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety. In passing upon applications for Variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- a. The danger to life and property due to flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within and Floodway District that will cause an increase in the one hundred (100) - year flood elevation.
- b. The danger that materials may be swept on to other lands or downstream to the injury of others.
- c. The proposed water supply and sanitation system and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- e. The importance of the services provided by the proposed facility to the community.
- f. The requirements of the facility for a waterfront location.
- g. The availability of alternative locations not subject to flooding for the proposed use.
- h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- j. The safety of access by ordinary and emergency vehicles to the property in time of the flood.
- k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- l. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- m. Such other factors which are relevant to the purpose of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in:

- a. unacceptable or prohibited increases in flood heights,
- b. additional threats to public safety, extraordinary public expenses; and will not create nuisances,
- d. cause fraud or victimization of the public, or
- e. conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that variance will be the minimum required to provide relief from any hardship to the applicant.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one percent (1%) chance flood elevation (a) increases the risk to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report

submitted to the Federal Insurance Administrator.

### **13-6 - EXISTING STRUCTURES IN FLOODPLAIN DISTRICTS**

Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved unless one of the following exceptions is established before the change is made:

- A. The Zoning Administrator has determined that:
  - 1. Change is not a substantial repair or substantial improvement AND
  - 2. No new square footage is being built in the floodplain that is not complaint AND
  - 3. No new square footage is being built in the floodway AND
  - 4. The change complies with this ordinance and the VA USBC AND
  - 5. The change, when added to all the changes made during a rolling 5-year period does not constitute 50% of the structure's value.
- B. The changes are required to comply with a citation for a health or safety violation.
- C. The structure is a historic structure and the change required would impair the historic nature of the structure

### **13-7 - ENACTMENT**

Enacted and ordained this 23rd day of March, 2021. This ordinance, number 2020-007 of Greene County, Virginia, shall become effective upon passage.

## Article 14

### Sign Regulations (Revised 10/23/12)

#### 14-1 Purpose

In the interest of promoting the general welfare of the community and public safety, it is recognized the community should be aesthetically attractive as well as financially prosperous and further to regulate signs in such a way as to establish a compatibility of sign usage with the land use patterns and standards for the zoning district, and to permit such signs which will not, by reason of their size, location, construction or manner of display cause an annoyance or disturbance to citizens, detract from the community's aesthetic attractiveness, create a hazard, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public health or safety.

#### 14-2 General Sign Regulations

The following regulations shall apply to all signs, regardless of the zoning district in which they are located, unless otherwise specified. All signs that are erected, altered, expanded, reconstructed, replaced or relocated shall require a valid permit unless otherwise exempted by this ordinance:

**14-2-1** No sign shall be erected, altered, expanded, reconstructed, replaced or relocated on any property except in conformance with the provisions of this ordinance and all other applicable ordinances and regulations of the county. Repainting or making minor non-structural repairs shall not require a permit.

**14-2-2** Where a sign consists of two identical parallel faces which are back to back and located not more than twenty-four inches (24") or more than 45 degrees from each other, only one side of such sign shall be used in computing the area. The area of signs with more than two (2) faces or with faces which are not parallel or in the same plane with each other shall be the sum of the areas of all the sign faces.

**14-2-3** The height of free-standing signs shall be the vertical distance measured from the finished grade ground elevation where the sign is located to the highest point of the sign or sign structure. The maximum allowable height of signs shall be as specified by the regulations established herein. (See Figure 1 below)

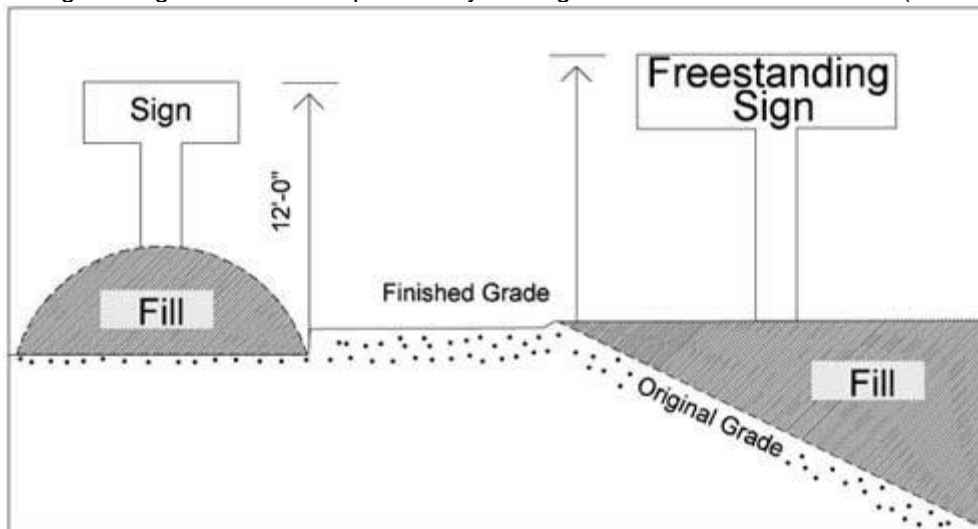


Figure 1: Sign Height Measurements

Source: [http://www.albemarle.org/upload/images/forms\\_center/departments/county\\_attorney/forms/Albemarle\\_County\\_Code\\_Ch18\\_Zoning04\\_General\\_Regulations.pdf](http://www.albemarle.org/upload/images/forms_center/departments/county_attorney/forms/Albemarle_County_Code_Ch18_Zoning04_General_Regulations.pdf)

**14-2-4** The area of a cylindrical sign shall be computed by multiplying one-half ( $\frac{1}{2}$ ) the circumference by the height of the sign.



**14-2-5** Sign area shall be measured as the area of a sign face within the smallest square, circle, rectangle, triangle or combination thereof, within a continuous perimeter enclosing the entire display face of the sign, including background, framing, trim, molding and other borders, but excluding supports and uprights unless the combined width of such supports or uprights exceeds 25% of the width of the sign face being supported or unless such supports of any width are designed as an integral part of the display for the purpose of illustration or attraction. (Note: the provisions concerning support measurement shall not apply to monument signs.)

**14-2-6** Where individual letters, characters or figures are mounted so as to use a building facade as a background, the area of such sign shall be determined by computing the sum of the area within the outer perimeter of each individual character or figures comprising the total message, symbol or advertisement. (See Figure 1A below)

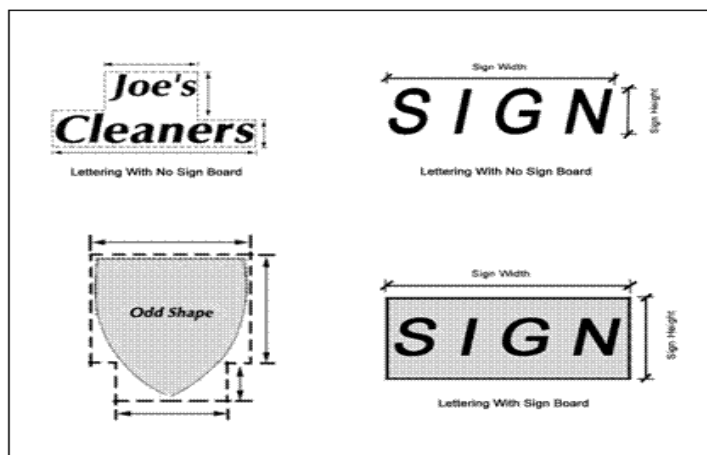


Figure 1A: Sign Measurements

Source: Downloaded from <http://www.ci.pasadena.ca.us/zoning/P-4.html>

**14-2-7** Unless otherwise specified, the maximum allowable aggregate area shall be based on the length of the principal building/store frontage(s). The maximum allowable aggregate area does not include freestanding, freestanding directory, multi-tenant signs or shopping center signs, area of one face of all double-faced signs, non-commercial flags, and banners.

#### 14-2-8 Applicable Sign Regulations

##### 14-2-8.1 Regulations Applicable in A-1 and C-1

Table 1: District: A-1 and C-1	Number Allowed	Max Area Allowed (ft <sup>2</sup> )	Max Height Allowed (ft)	Setback from edge of ROW (ft)
Freestanding per parcel	1	32 ft <sup>2</sup>	10 ft	10 ft
Maximum aggregate sign area for building/store frontage(s), to include: marquee, canopy, awning, wall and projecting signs or other signs attached to building	N/A	1 ½ ft <sup>2</sup> signage per 1 linear foot of building/store frontage (s). Maximum of 50 ft <sup>2</sup>	N/A	Same as structure
Subdivision	2 per	32 square feet	10	10

	<b>entrance per subdivision</b>	<b>aggregated, per entrance</b>		
Temporary Signs	<b>6 per calendar year</b>	<b>32 square feet</b>	<b>N/A</b>	<b>10</b>

**14-2-8.2 Regulations Applicable in R-1, R-2, and SR**

<b>Table 2: District: R-1, 2 and SR</b>	<b>Number Allowed</b>	<b>Max Area Allowed (ft<sup>2</sup>)</b>	<b>Max Height Allowed (ft)</b>	<b>Setback from edge of ROW (ft)</b>
<b>Freestanding per parcel</b>	<b>1</b>	<b>32 ft<sup>2</sup></b>	<b>10 ft</b>	<b>10 ft</b>
Maximum aggregate sign area for building/store frontage (s), to include: marquee, canopy, awning, wall and projecting signs or other signs attached to building	<b>N/A</b>	<b>1 ½ ft<sup>2</sup> signage per 1 linear foot of building/store frontage(s). Maximum of 50 ft<sup>2</sup></b>	<b>N/A</b>	<b>Same as structure</b>
Subdivision	<b>2 per entrance per subdivision</b>	<b>32 square feet aggregated, per entrance</b>	<b>10</b>	<b>10</b>
Temporary Signs	<b>6 per calendar year</b>	<b>32 square feet</b>	<b>N/A</b>	<b>10</b>

**14-2-8.3 Regulations Applicable in B-1, B-2, and B-3**

<b>Table 3: District: B-1, 2 and 3</b>	<b>Number Allowed</b>	<b>Max Area Allowed (ft<sup>2</sup>)</b>	<b>Max Height Allowed (ft)</b>	<b>Setback from edge of ROW (ft)</b>
<b>Freestanding</b>	<b>1</b>	<b>Freestanding: 50 ft<sup>2</sup></b>	<b>15</b>	<b>5</b>
<b>Shopping Center or multi-tenant</b>	<b>1, see description below</b>	<b>150 ft<sup>2</sup></b>	<b>20</b>	<b>5</b>
Maximum aggregate sign area for building/store frontage(s), to include: marquee, canopy, awning, wall and projecting signs or other signs attached to building	<b>N/A</b>	<ul style="list-style-type: none"> <li><b>1 ½ ft<sup>2</sup> signage per 1 linear foot of building/building or store frontage(s)</b></li> <li><b>Uses &gt; 300 ft from edge of public ROW shall not exceed 500ft<sup>2</sup> in aggregate sign area. Any one sign shall not exceed 70% of the aggregate sign area.</b></li> <li><b>Uses &lt; 300 ft from</b></li> </ul>	<b>N/A</b>	<b>Same as structure</b>

		public edge of public ROW shall not exceed 300ft <sup>2</sup> in aggregate sign area. Any one sign shall not exceed 70% of the aggregate sign area.		
Temporary Signs	6 per calendar year	32 square feet	N/A	5
Business Center Sign	2, see description below	50 ft <sup>2</sup>	15	5
Gas Pricing LED Signs	1, see description below	50 ft <sup>2</sup>	15	5

#### 14-2-8.4 Regulations Applicable in M-1 and M-2

<b>Table 4: District: M1 and M2</b>	<b>Number Allowed</b>	<b>Max Area Allowed (ft<sup>2</sup>)</b>	<b>Max Height Allowed (ft)</b>	<b>Setback from edge of ROW (ft)</b>
<b>Freestanding</b>	1	Freestanding: 50 ft <sup>2</sup>	15	5
<b>Shopping Center or multi-tenant</b>	1, see description below	150 ft <sup>2</sup>	20	5
Maximum aggregate sign area for building/store frontage (s), to include: marquee, canopy, awning, wall and projecting signs or other signs attached to building	N/A	<ul style="list-style-type: none"> <li>• 1 ½ ft<sup>2</sup> signage per 1 linear foot of building/store frontage(s)</li> <li>• Uses &gt; 300 ft from edge of public ROW shall not exceed 500ft<sup>2</sup> in aggregate sign area. Any one sign shall not exceed 70% of the aggregate sign area.</li> <li>• Uses &lt; 300 ft from edge of public ROW shall not exceed 300ft<sup>2</sup> in aggregate sign area. Any one sign shall not exceed 70% of the aggregate sign area.</li> </ul>	N/A	Same as structure
Temporary Signs	6 per calendar year	32 square feet	N/A	5
Industrial Park Sign	2, see description below	50 ft <sup>2</sup>	15	5

**14-2-9 Shopping Center or Multi-Tenant signs:** One (1) shopping center or multi-tenant sign is allowed. The sign shall be allowed for a minimum of four (4) individual tenants. The sign shall be freestanding and shall be encased in a structure architecturally similar to that of the main building and located at the

entrance to the development. The maximum area of the sign shall be one hundred and fifty (150) square feet limited in height to 20 feet. The shopping center or multi-tenant sign may only display the development name and a list of the tenants. Individual shops may only have building mounted signs not to exceed one and half square foot per linear foot of building length. Individual free-standing signs for individual tenants shall not be permitted if a shopping center or multi-tenant sign is utilized. Where a shopping center or multi-tenant sign is used, no other frontage signs will be allowed.

**14-2-10** Corner and multi frontage lots shall be entitled to two (2) free-standing, shopping center or multi-tenant signs and shall be limited to one sign per street frontage.

**14-2-11** Home Businesses, Home Occupations and Home Professional Offices shall not have advertising other than a non-illuminated identification sign of not more than sixteen square feet in area.

**14-2-12** Signs that are within the PUD district shall be regulated by referring to the residential table above for residential uses and refer to the commercial table above for commercial uses.

**14-2-13** No sign shall extend more than 4 feet from the side of a building.

**14-2-14** All signs must meet the sight distance requirements, except for traffic control signs. A sight distance triangle area must contain no signs between 42 inches and eight feet above the existing street grade. See the Sight Distance Triangle below. The site distance applies to all intersections and site access points and is measured as shown in the Site Distance Triangle (Top View).

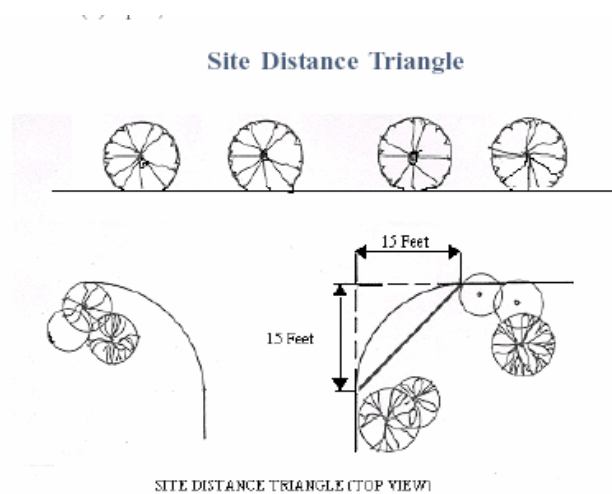


Figure 2: Sight Distance Triangle

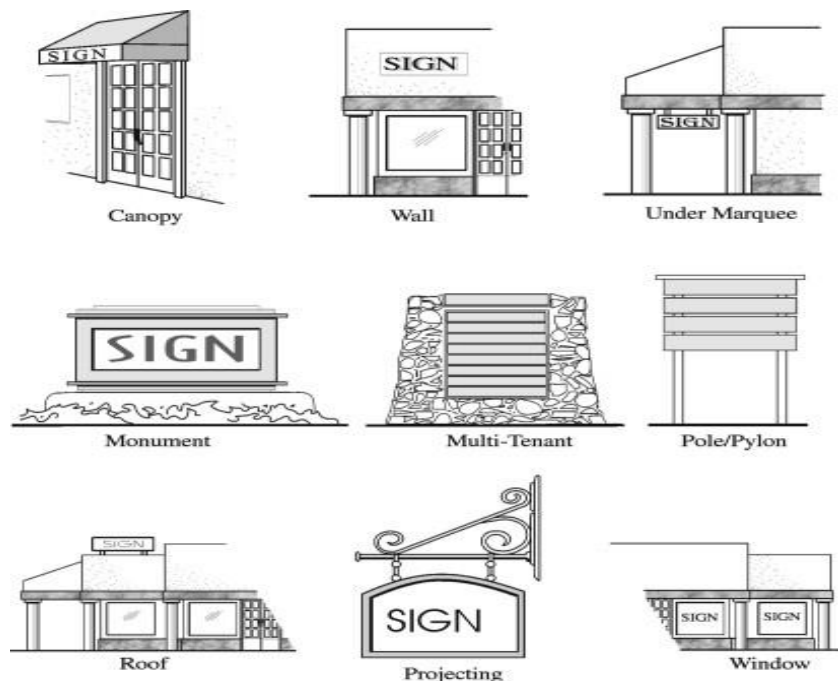
Sources: Downloaded from <http://www.metrokc.gov/ddes/acrobat/cib/20a.pdf>

**14-2-15** No sign, other than a sign approved or installed by the Virginia Department of Transportation, shall be located within or over any public right-of-way.

**14-2-16** No sign, whether permanent or temporary, shall be attached to trees, utility poles or other supporting structures, unless specifically authorized by the zoning administrator.

**14-2-17** GENERAL STORES, CONVENIENCE STORES OR HIGHWAY RETAIL SERVICE CENTER/TRUCK STOP GAS PRICING LED SIGNS is a freestanding sign for use only by general stores, convenience stores or highway retail service center/truck stop for the purpose of advertising fuel costs are allowed.

- A. No such sign shall exceed fifty (50) square feet with a maximum height of fifteen (15) feet. The LED numerals may not exceed twelve (12) inches in height. Signs may be double sided.
- B. All ground mounted signs shall be located a minimum of five (5) feet behind the street right-of-way and will be considered a freestanding sign and meet all height and area regulations. At intersections, no sign shall be in the sight triangle as defined by this ordinance.
- C. Color. All lighted LED numerals shall only be green or red in color. LED background screen may only be black.
- D. Illumination. Spillover light from the sign shall not exceed one-half (1/2) footcandle at the property line. Such signs may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver.
- E. General stores, convenience stores or highway retail service center/truck stop gas pricing LED signs shall be allowed in those zoning districts that general stores and convenience stores are allowed.
- F. Offsite gas pricing LED signs prohibited
- G. Multi-tenant signs/shopping center signs are excluded from displaying gas pricing LED signs.
- H. Shall not visually move.



**Figure 3: Examples of signs**

Source: Downloaded from <http://www.townoftruckee.com/DCCh220d.html>

#### **14-3 Temporary signs**

The zoning administrator, upon application, may issue permits for the following temporary signs.

Such signs shall not count against the normal sign area allowances for the property on which located.

Signs shall not exceed thirty-two (32) square feet in area and the duration of such permit shall not exceed thirty (30) days.

Banners when used to announce special events such as new home shows, grand openings, sales, etc. The aggregate area of all such banners erected for any single event shall not exceed thirty-two (32) square feet. Banners shall not be illuminated. Such signs shall not be erected

more than twenty-one (21) days prior to the event and shall be removed within seven (7) days following the closing of the event; provided, however, that no banner shall be permitted to remain in place for any event for more than thirty (30) days between the first appearance and removal of the banner. Permitted uses shall not exceed 6 banners in a given year.

With the approval of the Virginia Department of Transportation, the zoning administrator may authorize banners to be suspended above a public road right-of-way for a period not to exceed twenty-one (21) days or the duration of the event being announced or promoted plus three (3) days, whichever shall be greater.

#### **14-4 Exempt signs**

The following signs may be erected, altered or maintained in any zoning district when in accordance with the general provisions established in this ordinance, provided however, that permits shall not be required unless specifically noted.

**Signs erected and maintained pursuant to and in discharge of any federal, state or county governmental function, or as may be required by law, ordinance or governmental regulation including official traffic signs and signals, warning devices and other similar signs.**

**14-4-1 Flags** The term "flag" means a sign consisting of a piece of fabric or other flexible material attached to a flag pole, except as otherwise authorized. A flag representing the official symbol of a national, state or local government is not a sign for the purposes of this article (for federal law pertaining to flying the flag of the United States of America, see 4 U.S.C. § 5 et seq.). A "commercial flag" is a flag that contains commercial speech. A "noncommercial flag" is a flag that contains no commercial speech, such as decorative, hospitality, and seasonal flags containing no advertising, words or logos related to a specific business, or service, and do not represent the official symbol of a national, state or local government. Flag poles are exempt from height regulations

**14-4-1.2 Commercial flag** A commercial flag, is subject to the following: not more than one (1) flag may be flown on a lot, provided that if the lot is four (4) acres or larger, then one (1) additional flag may be flown; the flag shall not exceed twenty-four (24) square feet in size; and ( the flag shall be flown on a flag pole and, if two (2) flags may be flown, they may either be on the same or on separate flag poles.

**14-4-1.3 Noncommercial flag** A noncommercial flag, is subject to the following: the flag shall not exceed twenty-four (24) square feet in size; on commercial, institutional and industrial lots, the flag shall be displayed only on privately owned light posts and shall be installed in a manner so that it remains taut and flapping and movement is minimized; on residential and agricultural lots, the flag shall be displayed from a mount on a dwelling unit or other permitted primary or accessory structure, a flag pole, a mast, or suspended from a fixed structure, rope, wire, string or cable.

**14-4-2 Non-illuminated construction signs**, that do not exceed the maximum sign area or height allowed for the physical type of the sign (e.g., freestanding, wall) within the applicable zoning district **and limited to one sign for each street frontage for each principal use being constructed on the premises to which such sign refers. No such signs shall be permitted unless a building permit has been issued or unless a site plan for the proposed development has been submitted to the county for official review. Such signs shall be removed at the completion of construction.**

**14-4-3 Non-illuminated realty signs**, that do not exceed the maximum sign area or height allowed for the physical type of the sign (e.g., freestanding, wall) within the applicable zoning district.

**14-4-4 Non-illuminated signs identifying official state automobile inspection**

stations and the inspection number which is then due, provided that such signs shall not exceed sixteen (16) square feet in area and shall be limited to one sign for each street frontage. "A-frame" designs shall be considered as a single sign for the purposes of this section.

**14-4-5 Non-illuminated political signs and posters** that do not exceed the maximum sign area or height allowed for the physical type of the sign (e.g., freestanding, wall) within the applicable zoning district **provided that all such signs shall be removed within seven (7) days following the election, canvass, or primary.**

**14-4-6 Signs attached to machinery or equipment which is necessary or customary to a business including, but not limited to, devices such as gasoline pumps, vending machines, ice machines, etc., provided that such signs refer exclusively to products or services offered on the premises.**

**14-4-7 On-premises directional signs, not exceeding three (3) square feet in area and three feet (3') in height and not containing any advertising material or discernible business logo. A permit shall be secured for any illuminated signs.**

**14-4-8 Signs displayed in the windows of establishments permitted in commercial and industrial districts provided, however, that such signs shall not occupy more than twenty-five percent (25%) of the total area of the window in which they are displayed.**

**14-4-9 Menu boards which are either free-standing or wall signs providing information and offered for drive-in sales on the premises, located and designed to be read from the drive-thru lane and does not exceed an aggregate or individual area of thirty-two (32) square feet.**

**14-4-10 Signs or scoreboards within a ball park or other similar public or private recreational use which are located and designed to be read from within the park boundaries.**

**14-4-11 Non-illuminated signs warning trespassers or announcing property as posted, not to exceed four (4) square feet per sign.**

**14-4-12 Special notice placards, not to exceed a total of four (4) square feet in area for all such placards of any establishment, attached to a building or to a free-standing sign indicating credit cards which are accepted on the premises, group affiliations of which the business is a member, or clubs or groups which utilize, recommend, inspect or approve the business for use by its members. A permit shall be secured for any illuminated signs.**

**14-4-13 Identification and directional boards, which are either free-standing or wall signs, designed as an outdoor means of providing information concerning the location of individual establishments or offices within an office, retail or industrial complex, provided that such signs are not legible from any public right-of-way and do not exceed thirty-two (32) square feet and provided further that only one such sign shall be permitted for each lot or for each major sub-area of such complex. A permit shall be secured for any free-standing or illuminated sign.**

**14-4-14 Residence Signs not exceeding six (6) square feet.**

#### **14-5 Prohibited signs**

Unless specifically stated otherwise, the following signs shall not be permitted in the County:

- 14-5-1** Any sign which by reason of position, shape or color may interfere with, be confused with, or obstruct the view of any traffic sign, signal or device.
- 14-5-2** Any signs which flashes, rotates, visually moves, is physically agitate.
- 14-5-3** Moored balloons or other floating signs that are tethered to a structure or the ground.
- 14-5-4** Offsite advertising signs excluding temporary signs.
- 14-5-5** Roof Signs
- 14-5-6** Pennants
- 14-5-7** Portable signs excluding A-frame moveable signs.
- 14-5-8** Electronic Message Center, excluding general store and convenience store gas pricing LED signs
- 14-5-9** Advertising Vehicles
- 14-5-10** Billboards

#### **14-6 Maintenance and removal of signs**

All signs shall be maintained in good condition and appearance and shall be removed from the premises when they can no longer be repaired.

#### **14-7 Abandoned signs**

A sign, including its supporting structure or brackets, shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer on the premises. In the event a nonconforming sign refers to a business that has not been in operation for a period of at least two (2) years, such sign shall be considered abandoned and shall be considered to be in violation of this ordinance. After reasonable efforts to provide notice to the property owner of the need to remove the violation, and failure of the property owner to do so, the zoning administrator may cause the abandoned sign to be removed at the owner's expense.

#### **14-8 Non Conforming Signs**

A nonconforming sign may continue, subject to the provisions, conditions and prohibitions set forth herein:

**14-8-1 Alteration of copy:** The copy of a nonconforming sign may be altered by refacing the sign by or for the current owner of the establishment to which the sign pertains.

**14-8-2 Alteration of sign structure:** A nonconforming sign shall not be structurally altered; provided that the zoning administrator may authorize a nonconforming sign to be structurally altered so that it is less nonconforming and further provided that each time the nonconforming sign is structurally altered, the sign area and sign height shall be reduced by at least twenty-five (25) percent of its current area and height until the sign area and the sign height are conforming.

**14-8-3 Replacement or restoration:** A nonconforming sign may be replaced or restored only as provided below:

1. A nonconforming sign that is destroyed or damaged by the owner of the sign or the owner of the lot on which the sign is located shall not be replaced or restored unless it



complies with this ordinance.

2. A nonconforming sign that is destroyed or damaged as a result of factors beyond the control of the owner of the sign and the owner of the lot on which the sign is located, to an extent the destruction or damage exceeds fifty (50) percent of its appraised value, shall not be replaced or restored unless it complies with this ordinance.

3. A nonconforming sign that is destroyed or damaged as a result of factors beyond the control of the owner of the sign and the owner of the lot on which the sign is located, to an extent the destruction or damage is fifty (50) percent or less of the appraised value, may be replaced or restored provided that the replacement or restoration is completed within two (2) years after the date of the destruction or damage, and the sign is not enlarged or extended.

#### **14-9 Standards for increases in sign area and height**

**The Board of Zoning Appeals may authorize, by special exception, issued in accordance with all applicable procedural requirements, increase in sign area and sign height.**

#### **14-10 Notice of Violation**

Property owner's, permit applicants, and/or establishment owners/managers, as applicable, and shall be notified in writing of violations of the provisions of this article. The Zoning Administrator or his designee shall, in the notice of violation, state the nature of the violation, the date that it was observed, and the remedy or remedies necessary to correct the violation. The Zoning Administrator or his designee may establish a reasonable time period for the correction of the violation.

#### **14-11 Civil Enforcement Procedures**

The Zoning Administrator or his designee is authorized to bring legal action, including injunction, abatement, or other appropriate action or proceeding. This remedy is in addition to, and not in lieu of, any other remedy available to the administrator.

#### **14-12 Civil Penalties**

The penalty for any one violation shall be a civil penalty of not more than \$100.00 for the initial summons and not more than \$250.00 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any ten-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$5,000.00. The zoning administrator or his deputy may issue a civil summons as provided by law for a violation of this article. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the county prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the locality to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

Such violations shall be a class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same

set of operative facts, within a 24-month period.

#### **14-13 Definitions**

Signs, as defined, shall be classified according to one or more of the following definitions:

**Abandoned Sign**-A sign structure that has ceased to be used and the owner intends no longer to have used, for the display of sign copy.

**Advertising vehicle**-The term "advertising vehicle" means a motor vehicle, trailer or semi-trailer (collectively, "vehicle") having a permanent or temporary sign affixed, painted on or placed upon it, and its primary purpose is advertising, including a sign that alters the vehicle's manufacturer's profile; provided that a temporary sign affixed to an employee's private vehicle during his or her working hours is not an advertising vehicle.

**Aggregate Sign Area**-The combined sign surface area of all signs on a lot, excluding freestanding, freestanding directory signs, area of one face of all double-faced signs, non-commercial flags, and banners.

**Awning Sign**-A sign that is mounted, painted or attached to an awning or other window or door canopy.

**Banner**-A piece of cloth, plastic or other flexible material on which words, letters, figures, colors, designs or symbols are inscribed or affixed for the purposes of advertisement, identification, display or direction and which is suspended for display, typically from buildings or poles.

**Billboard**-A panel for the display of off site advertisements in public places, such as alongside highways or on the sides of buildings that exceeds 32 square feet.

**Building Frontage**-The front of a building shall be construed to be the portion facing a street. For purposes of computation of the number and area of signs, the frontage of a building shall be computed as nearly at ground level as computation of horizontal distance permits. In cases where this test is indeterminate or cannot be applied, as for instance where there is a diagonal corner entrance, the Administrator or Inspector shall select building frontage on the basis of interior layout of the building, traffic on adjacent streets or other indicators. Buildings with multiple tenants shall be calculated using store frontage of each tenant, as defined.

**Business Center:** A development of three (3) or more principal structures with common characteristics as determined by the Zoning Admin. Common characteristics may include shared access, similar architecture, single ownership or history of site plan review approval.

**Business Center Identification Sign:** A freestanding sign stating the name of a business center. The business center identification sign shall not be considered offsite advertising as long as it is situated at the entrance(s) of the development. It shall comply with freestanding sign regulations to include height, area and setbacks for the zoning district.

**Canopy Sign**-A sign affixed to the visible surface(s) of an attached or free standing canopy.

**Construction sign**-A temporary sign which identifies facilities being actively constructed or altered, the anticipated sale, lease or rental of those facilities, or the identity of the persons or firms engaged in the promotion, financing, design, construction or alteration of such facilities.

**Directional Sign**-Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

**Electronic Message Center**-A message center or reader board composed of a series of lights that is electronically or electrically controlled which displays on a single sign cabinet, a wide variety of messages in words, digits, or symbols.

**Flag**-The term "flag" means a sign consisting of a piece of fabric or other flexible material attached to a flag pole, except as otherwise authorized. A flag representing the official symbol of a national, state or local government is not a sign for the purposes of this article (for federal law pertaining to flying the flag of the United States of America, see 4 U.S.C. § 5 et seq.). A "commercial flag" is a flag that contains commercial speech. A "noncommercial flag" is a flag that contains no commercial speech, such as decorative, hospitality, and seasonal flags containing no advertising, words or logos related to a specific business, or service, and does not represent the official symbol of a national, state or local government.

**Commercial flag**-A commercial flag, is subject to the following: (i) not more than one (1) flag may be flown on a lot, provided that if the lot is four (4) acres or larger, then one (1) additional flag may be flown; (ii) the flag shall not exceed twenty-four (24) square feet in size; and (iii) the flag shall be flown on a flag pole and, if two (2) flags may be flown, they may either be on the same or on separate flag poles.

**Noncommercial flag**-A noncommercial flag, is subject to the following: (i) the flag shall not exceed twenty-four (24) square feet in size; (ii) on commercial, institutional and industrial lots, the flag shall be displayed only on privately owned light posts and shall be installed in a manner so that it remains taut and flapping and movement is minimized; (ii) on residential and agricultural lots, the flag shall be displayed from a mount on a dwelling unit or other permitted primary or accessory structure, a flag pole, a mast, or suspended from a fixed structure, rope, wire, string or cable.

**Free-standing sign**-A sign, supported by one or more columns, uprights or braces, in or upon the ground, and not attached to any building. Free-standing signs include, but are not limited to, pole signs, monument signs, and signs attached to a flat surface such as a fence or wall not a part of a building. One (1) freestanding sign is allowed per parcel. Individual free-standing signs for individual tenants shall not be permitted if a shopping center-or multi-tenant sign is utilized.

**Gas Pricing LED Sign:** Is a freestanding sign for use only by general stores, convenience stores or highway retail service center/truck stop for the purpose of advertising fuel costs with a light emitting diode (LED) display sign.

**Industrial Park:** Is an area zoned and planned for the purpose of industrial development as defined in Articles 11 and 12.

**Industrial Park Sign:** A freestanding sign identifying the name of an industrial park. The industrial park sign shall not be considered offsite advertising as long as it is situated at the entrance(s) of the development. It shall comply with freestanding sign regulations to include height, area and setbacks for the zoning district.

**Shopping center or multi-tenant**-A sign listing the tenants of a building or group of buildings, supported by one or more columns, uprights or braces, in or upon the ground, and not attached to any building. Shopping Center or multi-tenant signs include, but are not limited to, pole signs, monument signs, and signs attached to a flat surface such as a fence or wall not a part of a building. The shopping center or multi-tenant sign shall not be considered offsite advertising as long as it is situated at the entrance(s) of the development.

**Marquee or canopy sign**-A sign which is painted on, attached to, or hung from a marquee or canopy which projects from and is totally or partially supported by a building.

**Menu Board**-Free-standing or wall signs, offered for drive-thru sales, located and designed to be read from the drive-thru lane.

**Monument sign**-A type of free-standing sign, other than a pole sign, with sides parallel to or nearly parallel to each other, with the supporting structure as wide or wider than the sign face itself, and with the entire supporting structure in contact with the ground or within twelve inches (12") of the ground.

**Offsite Advertising sign**-A sign which directs attention to a business, profession, product, service, activity or entertainment which is not conducted, sold or offered on the premises upon which such sign is located.

**On-Premises directional sign**-A sign which is intended to provide directional information for the premises on which it is located. Such sign may pertain to traffic movement, pedestrian movement, parking or loading space, or similar types of information, but shall not consist of advertising matter.

**Pennants**-Pieces of cloth, plastic or flexible material, generally triangular or rectangular in shape, and which typically are strung together in a series on lines which are hung from poles, between buildings or in other arrangements for the purpose of decoration or attracting attention.

**Political sign**-A temporary sign, which pertains to an issue of public concern or to an issue or candidate in a pending election, that does not exceed the maximum sign area or height allowed for the physical type of the sign (e.g., freestanding, wall) within the applicable zoning district.

**Portable changeable letter board**-A portable sign on which message copy is changed manually through the utilization of attachable letters, numbers, symbols and other similar character of changeable pictorial panes.

**Portable sign**-Any sign not permanently attached to a structure or permanently mounted in the ground which can be transported to other locations, including portable changeable letter boards. Portable signs shall include, but not be limited to, signs which are trailer-mounted or otherwise designed to be relocated, or are constructed on a chassis or carriage with permanent or removable wheels whose primary purpose is to advertise.

**Projecting sign**-A sign which is attached perpendicularly, or nearly perpendicularly, to a building wall or roof line and which extends from such wall or roof line not more than forty-eight inches (48").

**Realty sign**-A temporary sign which advertises the sale, lease, rental or display of the lot or building upon which such sign is displayed.

**Residence sign**-A sign erected on a lot containing a private dwelling that identifies the name of the occupant and/or the street address of the residence. **The sign shall not exceed six (6) square feet.**

**Roof sign**-A sign which is an integral part of the building design and is attached to, painted on, or supported by the roof of a building.

**Sign**-A display, object, device or structure used to identify a location or advertise a place of business or a product, using words, letters, figures, designs, symbols, fixtures, or projected images.

**Subdivision Signs**- A freestanding sign identifying the name of a residential development. The subdivision sign shall not be considered offsite advertising as long as it is situated at the entrance(s) of the development. It shall comply with freestanding sign regulations to include height, area and setbacks for the zoning district.

**Store Frontage**-The facade of an individual store or business. The front of a store shall be construed to be the portion facing a street. For purposes of computation of the number and area of signs, the frontage

of a store shall be computed as nearly at ground level as computation of horizontal distance permits. In cases where this test is indeterminate or cannot be applied, as for instance where there is a diagonal corner entrance, the Administrator or Inspector shall select store frontage on the basis of interior layout of the store, traffic on adjacent streets or other indicators. Buildings with multiple tenants shall be calculated using store frontage of each tenant.

**Temporary sign**-A sign, banner, poster, or advertising display constructed of cloth, plastic, sheet, cardboard, wallboard, or other like materials, intended to be displayed for a limited period of time, and not permanently attached to a building or the ground. A temporary sign shall not be considered offsite advertising signage.

**Wall sign**-A sign which is painted on or attached parallel to a wall of a building and which extends not more than eighteen inches (18") from such wall.

**Window Sign**-A permanent sign that is painted or mounted into a window, or is hung directly inside a window solely for the purpose of identifying any premises, products, or events.

## **Article 15**

### **Non-Conforming Uses**

#### **15-1 CONTINUATION**

- 15-1-1** If, at the time of enactment of this ordinance, any legal activity is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this ordinance, such manner of use or purpose may be continued as herein provided.
- 15-1-2** If any change in title or possession, or removal of a lease of any such lot or structure occurs, the use existing may be continued.
- 15-1-3** If any nonconforming use (structure or activity) is discontinued for a period exceeding two (2) years, after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of the ordinance.
- 15-1-4** Whenever a nonconforming structure, lot or activity, has been changed to a more limited nonconforming use, such existing use may only be changed to an even more limited use.
- 15-1-5** Temporary seasonal nonconforming uses that have been in continued operation for a period of two (2) years or more prior to the effective date of this ordinance are exempt from the requirements of Section 15-1, except as herein provided.
- 15-1-6** Automobile graveyards and junkyards in existence at the time of the adoption of this ordinance are to be considered as nonconforming uses. They shall be allowed up to twenty-four (24) months after adoption of this ordinance in which to screen completely, on any side open to view from a public road, the operation or use by a fence or evergreen hedge, not less than seven (7) feet high, as approved by the Administrator.
- 15-1-7** Mobile home parks in existence at the time of the adoption of this ordinance are to be considered as nonconforming uses.

#### **15-2 PERMITS**

- 15-2-1** All owners or operators of nonconforming uses shall apply to the Zoning Administrator for a Certificate of Occupancy within one (1) year after the adoption of this ordinance. Certificates of Occupancy will be issued within one and a half (1 ½) years after the adoption of this ordinance.
- 15-2-1.1** Any owner or operator of any nonconforming use who shall fail to comply with Section 15-2-1 when required to do so, shall, in any proceeding in which it is material to inquire whether or not such nonconforming use, as defined in Section 15-1-1, existed on the effective date of this ordinance, have the burden of proving by clear and convincing evidence that it did in fact so exist as of the date of the ordinance. Any owner or operator of a non-conforming use who shall comply with the provisions of Section 15-2-1 or whose predecessors in title shall have complied with the provisions of Section 15-2-1 shall in any proceeding in which it is material to inquire whether or not such nonconforming use as defined in Section 15-2-1 existed on the effective date of this ordinance be entitled, subject to the provisions of Section 21-4-1, to a conclusive presumption that such nonconforming use did in fact so exist on the effective date of this ordinance.

#### **15-3 REPAIRS AND MAINTENANCE**

On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared unsafe by any official charged with protecting the public safety upon order of such official.

#### **15-4 CHANGES IN DISTRICT BOUNDARIES**

Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change, shall become subject to the provisions of this Section.

#### **15-5 RESERVED (Revised 7/24/12)**

**15-5-1 RESERVED (Revised 7/24/12)**

**15-5-2 RESERVED (Revised 7/24/12)**

**15-5-3 RESERVED (Revised 7/24/12)**

**15-5-4 FAMILY SUBDIVISION:** A family subdivision is defined herein as a grouping or cluster of three (3) or more houses owned and occupied by members of the same immediate family and in existence prior to the adoption of this zoning ordinance on February 22, 1975, with an effective date of March 1, 1975. For the purpose of this ordinance, immediate family members shall be defined as the natural or legal offspring, spouse or parent of the property owner(s). The Board of Supervisors may, for good causes shown, grant to the property owner(s) an exemption from the strict lot size and other zoning requirements for an expansion of the family subdivision for other members of the immediate family provided that the expansion does not increase the land area of the original subdivision by more than 20%. (Adopted 2/23/93)

**15-6 NONCONFORMING LOTS (Revised 1/11/05)**

Any lot of record at the time of the adoption of this ordinance which is less in area or width than the minimum required by this ordinance may be used provided the following requirements regarding setback, side, and rear yards are met. (Revised 1/11/05)

**15-6-1 SETBACK REGULATIONS**

Structures except signs shall be thirty-five (35) feet or more from any street right-of-way unless the Administrator shall, upon inspection of the neighborhood, determine that structures have been built on 40% of the existing lots on the same side on the street, within 1,000 feet on either side of said lot, in which instance, no building shall project beyond the average front yard so established, but this regulation shall not be interpreted to require a front yard of more than sixty (60) feet but shall require a front yard no less than twenty-five (25) feet.

**15-6-2 SIDE YARD**

The minimum side yard for each main structure shall be fifteen (15) feet.

**15-6-3 REAR YARD**

Each main structure shall have a rear yard of thirty-five (35) feet or more.

**15-6-4 SPECIAL PROVISIONS FOR CORNER LOT**

Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets. The corner side yard shall be twenty five (25) feet from edge of right of way. (Revised 10/28/08)

**15-7 RESTORATION OR REPLACEMENT**

**15-7-1** If a nonconforming structure or activity is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five percent (75%) of the cost of reconstructing the entire activity or structure, it shall be restored or replaced only if such use complies with this ordinance.

**15-7-2** When a conforming structure devoted to a nonconforming activity is damaged less than seventy-five percent (75%) of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than seventy-five percent (75%) of the cost of reconstructing the entire structure, either may be repaired or restored provided any such repair or restoration is started within twelve (12) months and completed within twenty-four (24) months from the date of partial destruction.

**15-7-3** The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

**15-7-4** Any structure or activity existing prior to March 2, 1974, may be restored or replaced regardless of the percentage of destruction provided that setbacks and yard regulations are met.

## Article 16

### General Provisions

#### 16-1 ZONING PERMIT (Revised 6/27/17)

A zoning permit shall be required for the erection, construction, reconstruction, moving, adding to, or alteration of any structure, or the establishment of any land use, except as listed below:

- a. Patios at grade, driveways, sidewalks, retaining walls, fences, docks, and playgrounds.
- b. Accessory structures, as defined, under 256 ft<sup>2</sup>.

Zoning permits for covered porches, balconies, chimneys, eaves and like architectural features may allow for the projection not more than four (4) feet into any required yard; provided that no such feature shall be located closer than five (5) feet to any lot line.

No permit shall be issued by the Administrator for any building or structure that requires or will contain water and/or sewage facilities until the Administrator receives approval in writing from the appropriate agency for the certification of the water and sewer systems. Such approval of request shall be initiated by the applicant for the zoning permit, and shall be at his expense.

For any use, building, or structure requiring an approved site development plan, no zoning permit shall be issued until such time as a site development plan is submitted, reviewed, and approved in accordance with Article 19 of this ordinance.

Each application for a zoning permit shall be accompanied by two (2) copies of a scale drawing. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land, and the location of such building or use with respect to the property lines of said parcel of land and to the right-of-way of any street or highway adjoining said parcel of land. Any other information which the Administrator may deem necessary for consideration of the application may be required. If the proposed building or use conforms with the provisions of this ordinance and all other county and state regulations, a Permit shall be issued to the applicant by the Administrator.

#### 16-1-1 ZONING PERMITS; RELATION TO BUILDING PERMITS

No building permit for the extension, erection, or alteration of any building or structure shall be issued before an application has been made and a zoning permit issued.

All zoning permits issued in association with building permits shall be valid for the longevity of the associated building permit.

**Certificates of Occupancy:** No building or structure shall be occupied until a certificate of occupancy has been issued by the Building Official and Zoning Administrator. The final zoning inspection approval may serve as evidence of the Zoning Administrator's approval of the certificate of occupancy for any new structure, addition or alteration.

- a. The certificate of occupancy shall only be approved if any of the improvements to be completed are not directly related to public health and safety.
- b. The certificate of occupancy shall only be issued after a bond with surety, a letter of credit, or other form of surety is submitted for the amount sufficient for the completion of the improvements within one (1) year.

**Temporary Certificate of Occupancy:** Upon the request of the applicant, the Building Official and Zoning Administrator may approve a temporary certificate of occupancy, where the structures shown



on the site plan or building permit are not completed in compliance with the applicable Articles in the ordinance.

- a. The temporary certificate of occupancy shall only be approved if any of the improvements to be completed are not directly related to public health and safety.

#### **16-1-2 ZONING PERMITS; CERTIFICATE OF ZONING COMPLIANCE**

A certificate of zoning compliance shall be required for any of the following:

- a. Change in the use of an existing building.
- b. Warranted activities listed in this ordinance associated with temporary use events, mobile food units, farm winery, farm brewery, agricultural operation events.
- c. Any change in use of a nonconforming use, or any alteration of a nonconforming building or structure.

No such use or change in use shall take place until a certificate of zoning compliance has been issued by the Zoning Administrator. Such certificate shall certify that the building or the proposed use, or the use of the land, complies with the provisions of this ordinance. Upon application of the owner or an authorized agent, the county shall issue the certificate of zoning compliance for any use that the county finds in conformity with all applicable provisions of this ordinance and all other applicable federal, state, and/or county laws.

#### **16-1-3 STRUCTURES LOCATED ON LOT OF RECORD**

Every building hereafter erected, reconstructed, moved or structurally altered shall be located on a lot of record.

#### **16-1-4 PRINCIPLE BUILDING AND USE**

In no case, shall there be more than one principle building or use on one lot unless otherwise specifically provided in this ordinance. Agricultural or forestal buildings or uses may be constructed or conducted on lots upon which there is not a principle structure. More than one principle building or use may be permitted in the B-1, B-2, B-3, M-1, and M-2 zoning districts. (Adopted 10/30/01)

#### **16-1-5 ADDITIONAL SINGLE FAMILY DWELLING IN C-1 AND A-1 ZONING DISTRICT**

In the C-1 and A-1 zoning districts, one additional single-family dwelling may be constructed on a parcel of record in addition to the principle dwelling at the density not to exceed one additional single-family dwelling to every 16 acres of land. When constructing more than one single-family dwelling on a parcel of record in accordance with this section, the setbacks and area requirements as required in Article 3 and Article 4 shall apply. (Adopted 10/30/01)

#### **16-1-6 REGULATIONS RELATED TO UTILITY LOTS (Revised 8/11/09)**

**16-1-6.1 AREA REGULATIONS:** A minimum lot area is not required for utility lots.

**16-1-6.2 FRONTAGE:** A minimum frontage is not required for utility lots

**16-1-6.3 SETBACK REGULATIONS:** Structures, whether primary or accessory, that are located on utility lots in all zoning districts shall be located ten (10) or more feet from any street right-of-way.

**16-1-6.4 YARD REGULATIONS:** The minimum side and rear yard for each structure shall be ten (10) feet.

**16-1-6.5 Screening Yards** may be required by the Zoning Administrator as regulated by Article 19-6-2 of the Greene County Zoning Ordinance.

#### **16-2 SPECIAL USE PERMITS (Revised 3/22/16)**

Some uses require a Special Use Permit, which is reviewed by the Planning Commission and then authorized by the Board of Supervisors.

### **16-2-1 APPLICATIONS**

Applications for Special Use Permits may be made by any property owner. Such application for the Special Use Permit shall be made to the Zoning Administrator on the form provided for the purpose. The application shall be accompanied by the appropriate fee and a drawing(s) showing the following information:

- a. The size, shape and dimensions of the parcel of land for which the use is proposed.
- b. The nature of the proposed use of the land or building.
- c. The location of such building or use with respect to the right-of-way of any street or highway adjoining said parcel of land.
- d. The location of such building or use with respect to the property adjoining said parcel of land.

The Zoning Administrator may also request additional information that the Zoning Administrator deems necessary to facilitate consideration of the application.

The applicant shall also provide satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the county and have been properly assessed against the subject property, have been paid. (Reference: § 15.2-2286.B)

The application and all supporting information shall be transmitted to the Zoning Administrator who shall schedule a public hearing on the matter. Public hearings by the Planning Commission and the Board of Supervisors shall be conducted in accordance with State and local laws.

### **16-2-2 PUBLIC HEARING PROCESS**

The Zoning Administrator shall transmit a copy of the application and accompanying information to the Planning Commission which shall hold a public hearing, review the application, and send a recommendation to the Board of Supervisors.

Notice of public hearings relating to Special Use Permit applications shall be in accordance with Virginia Code § 15.2-2204.

The Planning Commission shall take one of three actions on the special use permit application.

1. The Planning Commission shall recommend approval of the application as proposed;
2. The Planning Commission shall recommend approval of the application subject to specific changes being made prior to action by the Board of Supervisors; or
3. The Planning Commissions shall recommend denial of the application.

If the Planning Commission recommends approval contingent upon specific changes, the Planning Commission will include the specific changes deemed necessary for approval of the application.

The Board of Supervisors may either approve or deny the application or defer action to allow changes to be made prior to final action by the Board of Supervisors. In approving an application for a special use permit, the Board of Supervisors may impose conditions, modifications, or regulations to ensure public safety, health, and welfare.

### **16-2-3 FACTORS TO CONSIDER**

The Planning Commission and Board of Supervisors shall consider but not be limited to the following guidelines when reviewing and acting upon a special use permit.

- a. The use shall not tend to adversely change the character and established pattern of development of the area or community in which it wishes to locate.
- b. The use shall be in harmony with the uses permitted by right under a Zoning Permit in the

- zoning district and shall not affect adversely the use of neighboring property.
- c. The requested or related conditions shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- d. Due consideration shall be given to the suitability of the property for the use applied for with respect to trends of growth or change; the effect of the proposed use upon the community; requirements for transportation, school, parks, playgrounds, recreational areas; conservation of natural resources, preservation of flood-plains, and encouraging the most appropriate use of the land. In all cases the Planning Commission and Board of Supervisors will adhere to the intent of the applicable County Zoning Ordinance and the Comprehensive Plan.

#### **16-2-4 CONDITIONS**

The Planning Commission may recommend and the Board of Supervisors may impose upon a special use permit conditions that are deemed necessary to address impacts on public health, safety, or welfare and to be consistent with the Comprehensive Plan.

The conditions may include, but are not limited to the following:

- a. The abatement or restriction of noise, smoke, dust or other elements that may affect surrounding properties.
- b. The establishment of additional requirements relating to building setbacks; front, side, and rear yards; hours of operation; outside storage of materials; duration and intensity of use; building heights; and other particular aspects of occupancy or use.
- c. The provision for adequate offstreet parking and ingress/egress to public streets and roads in order to prevent traffic congestion.
- d. The provision for the protection of adjoining property with a buffer and/or screening yard to shield the proposed use if deemed necessary.
- e. The establishment of a time limit by which the use must begin, end, or be renewed in order to assure that the permit remains valid.

Upon the approval, conditional approval, or denial of a Special Use Permit, the Zoning Administrator shall issue a letter to the property owner and the applicant indicating the Board of Supervisors' decision and a list of applicable conditions. The specific use for which the Permit has been granted shall be conducted only in such manner and in such location as approved by the Board of Supervisors.

Except as the Board of Supervisors may specify in a particular case, any condition imposed on a special use shall be deemed to be essential and nonseverable from the permit itself and any condition determined to be invalid, void, or unlawful shall invalidate the special use permit.

#### **16-2-5 NONCONFORMING USES**

Any use, building, or activity legally in existence on the effective date of this ordinance or for which a Building Permit was issued prior to the effective date of this ordinance, shall not require a Special Use Permit, so long as such existing use, building or activity is not expanded or enlarged beyond the boundaries or scope of the existing use on the effective date of this ordinance, and provided that such existing use, building, or activity is in compliance with Article 15.

#### **16-2-6 EXISTING SPECIAL USE PERMITS**

The following applies to the administration of any existing special use permit approved prior to March 22, 2016:

Conditions. If any condition of the special use permit is more restrictive than an applicable article in the zoning ordinance, then the more restrictive condition shall apply. If any condition of the special use permit is less restrictive than an applicable article in the zoning ordinance and the applicant establishes that vested rights have attached to the approved use, then the special use permit conditions shall apply.

#### **16-2-7 REVOCATION FOR NONCOMPLIANCE WITH CONDITIONS**

A special use permit may be revoked by the Board of Supervisors after a public hearing if the Board of Supervisors determines that there has not been compliance with the conditions of the permit. Notice of the public hearing shall be as provided in Virginia Code § 15.2-2204. The written notice provided by the Board of Supervisors to the owners, their agents, or the occupants of abutting parcels and parcels immediately across the street from the parcel(s) subject to the special use permit may be given by first-class mail rather than by registered or certified mail. (Reference: § 15.2-2309.7)

#### **16-3 RESERVED**

#### **16-4 MOBILE HOME & MANUFACTURED HOME PARKS BY SPECIAL USE PERMIT**

Mobile and Manufactured home parks shall be allowed in the R-2 district only. The location of such parks shall require, in addition to the Zoning Permit and Certificate of Occupancy, a Special Use Permit issued by the Board of Supervisors. Operators of such parks shall comply with the following provisions:

- 16-4-1** Any person, firm or corporation desiring to establish in an existing mobile and manufactured home park a number of mobile home lots greater than the number existing at the time of the passage of this section shall first obtain a Zoning Permit as required by the ordinance.
- 16-4-2** Each application for a Zoning Permit to operate, maintain, or construct a mobile and manufactured home park shall be accompanied by two (2) copies of a plat drawn to scale showing limits and square footage of mobile and manufactured home park, location and size of driveways, parking areas, drying areas, playgrounds, service buildings, mobile and manufactured home lots or locations, the nature and location of screening, and required setback from all public roads.
- 16-4-3 Area** - A minimum of 5,200 square feet shall be provided for each single-wide mobile and manufactured home lot. A minimum of 6,500 square feet shall be provided for each double-wide home lot. Each lot shall have a frontage on a street, lane, or highway. A mobile and manufactured home park shall be eight (8) acres or more in area and have lots, facilities and services for twenty-five (25) or more mobile and manufactured homes. Density shall not be in excess of eight (8) units per gross acre of total site.
- 16-4-4 Width** - Each mobile or manufactured home lot shall have a minimum width of forty (40) feet for single-wide homes and fifty-five (55) feet for double-wide homes.
- 16-4-5 Distances** - Mobile manufactured home lots shall be arranged so as to provide a distance of thirty (30) feet or more between individual units, but in no case closer than five (5) feet to the individual lot line of the home space. (Revised 1/11/05)
- 16-4-6 Setback** - No mobile or manufactured home shall be located closer to the mobile or manufactured home park boundary than twenty-five (25) feet. All mobile or manufactured homes shall be set back from any public street for a distance of fifty (50) feet on grade for the right-of-way line.
- 16-4-7 Markers for Mobile or Manufactured Home Lots** - Every home lot shall be clearly defined by markers posted and maintained in a conspicuous place on each lot corresponding to the number of each lot as shown on the site plan submitted.
- 16-4-8 Streets** - All streets, walkways, parking bays and the like are to conform with the Subdivision Ordinance of Greene County.
- 16-4-9 Parking Spaces** - Parking spaces shall be provided at the rate of two (2) spaces per mobile or manufactured home lot. Each parking space shall be at least ten (10) feet wide by twenty-two (22) feet deep and shall be surfaced with a durable hard material suitable for all weather use.
- 16-4-10 Water Supply** - An adequate supply of water approved by the Health Department shall be furnished from a public or private water system with supply faucets located at each mobile home lot.
- 16-4-11 Sewage Disposal** - In each mobile or manufactured home park all domestic waste, or domestic waste from a faucet, toilet, tub, shower, sink, slop-sink, drain, washing machine, garbage disposal unit, or laundry shall empty into a sewer system constructed in accordance with the Health Department.
- 16-4-12 Plumbing** - All mobile or manufactured homes must be equipped with indoor kitchen and bathroom

facilities.

**16-4-13 Garbage/Trash Disposal** - Tightly covered leak-proof garbage containers with an adequate garbage collection service shall be provided by the owner or operator of such park for each lot therein.

**16-4-14 Lighting/Electricity** - All entrances, exits, and driveways shall be lighted at night and not less than one (1) 100 watt electric light shall be provided for each 200 linear feet of internal driveways. Each mobile or manufactured home shall be provided with electrical outlets as recommended by the Virginia Uniform State Building Code.

**16-4-15 Playgrounds** - Each mobile or manufactured home park shall provide park and/or playground space, specifically and exclusively for that purpose, at a rate of two hundred (200) square feet per mobile home lot and a minimum of two thousand five hundred (2,500) square feet per park.

**16-4-16 Patio** - A one hundred square feet patio shall be installed for each mobile or manufactured home. Said patio shall be constructed of asphalt or concrete and shall be no less than three inches thick. Treated wood decks of comparable size constructed in accordance with the Uniform Statewide Building Code may be substituted.

**16-4-17 Additions** - No structure shall be affixed to any mobile or manufactured home in a mobile or manufactured home park. The prohibition herein against any addition to a mobile or manufactured home shall not apply to a canopy or awning designed for use with a mobile or manufactured home, nor to any expansion unit or accessory structure specifically manufactured for mobile or manufactured homes.

#### **16-5 MOBILE OR MANUFACTURED HOMES, GENERALLY. OUTSIDE OF MOBILE OR MANUFACTURED HOME PARKS**

.1 Existing legal hardship mobile homes, that were issued a Special Use Permit prior to July 23, 2013, may be reviewed for renewal as provided by each applicants conditions provided by the approved Special Use Permit. The renewal will need to follow the procedures defined in Article 16-2 (Special Use Permits) of the Greene County Zoning Ordinance. (Revised 7/23/13)

**16-5-1** The following may be authorized by the County Administrator subject to guidelines established by the Greene County Planning Commission.

.1 Temporary occupancy of mobile or manufactured home in the Residential R-1 District by the owner on his property for up to twelve (12) months or until a Certificate of Occupancy is issued, whichever shall be less, while a dwelling is being reconstructed or replaced;

.2 Mobile or manufactured homes used as office and living quarters of supervisory or other personnel on the construction site for the duration of such work, in all Districts;

**16-5-2 Bond** - The Administrator may require the posting of a bond to assure that any temporary mobile home will be removed and the site left in good order at the expiration of the Permit.

**16-5-3 Unlawful** - It shall be unlawful for any person, firm or corporation to permit any mobile or manufactured home which is to be used as a dwelling or living quarters to be parked upon any land under his or its partial or complete control unless said mobile home is in accordance with this ordinance and the Industrialized Building Code of Virginia, 1984 as amended.

**16-5-4 Registration** - Any mobile or manufactured home in use on the effective date of this ordinance shall be registered with the Zoning Administrator by its owner within sixty (60) days therefrom and any home not so registered within said time shall be presumed to be in violation.

#### **16-6 USES NOT PROVIDED FOR**

If, in any district established under this ordinance, a use is not specifically permitted and an application is made by a property owner to the Administrator for such use, the Administrator shall refer the application to the Planning Commission in conformance with Article 18, which shall make its recommendations to the governing body within sixty (60) days. On the recommendation of the governing body, the ordinance shall be amended to list the use as a permitted use in the district. (Revised 1/11/05)

#### **16-7 WIDENING OF HIGHWAYS AND STREET**

Whenever there shall be plans in existence, approved by either the State Department of Transportation or by the governing body for the widening of any street or highway, the Planning Commission may require additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way for such proposed street or highway widening.

**16-8 MINIMUM OFF-STREET PARKING**

There shall be provided, at the time of erection of any building or at the time any main building is enlarged, minimum off-street parking space with adequate provisions for entrance and exit by standard sized automobiles, as follows:

- 16-8-1** Parking space as required in the following shall be on the same lot with the main building, except that in the case of buildings other than single family or duplex dwellings, space may be located as far away as three hundred (300) feet. Parking spaces shall measure nine (9) feet by eighteen (18) feet where there is a twenty-four (24) foot travelway and ten (10) feet by eighteen (18) feet where there is a twenty (20) foot travelway. In no case shall a parking space consist of less than one-hundred sixty two (162) square feet. (Revised 1/11/05)
- 16-8-2** All parking spaces and access driveways shall be covered with an all-weather surface, and shall be graded and drained for the proper disposal of surface water.
- 16-8-3** In residential districts there shall be provided either in a private garage or on the lot, space for the parking of two (2) automobiles for each dwelling unit in a new building, or for each dwelling unit added in the case of the enlargement of an existing building. For each senior residential (age 55 and older) dwelling unit there shall be a minimum of 1 off-street parking space consisting of not less than 162 square feet; provided however that the average parking spaces per dwelling unit over the entire Community shall be 1.5 off-street parking spaces. (Revised 7/13/2021)
- 16-8-4** Motels, hotels, and tourist lodging shall provide one automobile parking space for each guest room, plus one space for each two employees or permanent residents, plus such additional spaces as are required herein for affiliated uses such as restaurants and the like. (Revised 7/12/16)
- 16-8-5** For churches, high schools, college and university auditoriums, and or theaters, general auditoriums, stadiums and other similar places of assembly, there shall be provided at least one (1) off-street parking for every five (5) fixed seats provided in said building. For assembly halls without fixed seats, there shall be provided at least one (1) off-street parking space for each one hundred (100) square feet of usable floor area. Schools shall be provided with one (1) parking space for each teacher, employee or administrator in addition to the requirements of the auditorium.
- 16-8-6** For hospitals, there shall be provided at least (1) parking space for each (1) bed, including infant's cribs and children's beds.
- 16-8-7** For office buildings, offices of professionals (including medical and dental clinics) and personal services establishments, there shall be provided at least one (1) parking space for each two hundred (200) square feet of floor area.
- 16-8-8** For fraternal lodges, hunting clubs, golf courses, and country clubs, at least twenty-five (25) parking spaces shall be provided. Additional parking may be required by the Administrator.
- 16-8-9** For retail stores, excluding antique or craft shop, selling directly to the public, there shall be provided one (1) parking space for each two hundred (200) square feet of retail floor space in the building. (Revised 2/24/15)
- 16-8-9A** Antique or craft shop: One space per 1, 000 square feet of gross floor area plus one space per company vehicle. (Revised 2/24/15)
- 16-8-10** For post offices, one (1) parking space for each fifty (50) box holders but not less than ten (10) parking spaces shall be provided.
- 16-8-11** Restaurants shall provide one (1) parking space per table or booth plus six (6) for employees.
- 16-8-12** For industrial and wholesale establishments there shall be provided at least one (1) parking space for each two (2) employees based on the maximum number of individuals employed within an eight hour shift, plus space to accommodate all trucks and other vehicles used in connection therewith.
- 16-8-13** Any other commercial or industrial building not listed above here-after erected, converted, or structurally altered shall provide one (1) parking space for each one hundred (100) square feet of business floor space in the building.

**16-8-14** Every parcel of land hereafter used as a public parking area shall be surfaced with gravel, stone, asphalt or concrete. It shall have appropriate guardrails where needed as determined by the Administrator. Any lights used to illuminate said parking areas shall be so arranged as to reflect the light away from adjoining premises in a residential district.

**16-8-15** Parking requirements shall at no time be considered sufficient for any other use of the premises, and additional spaces shall be provided to meet requirements when there is any change to a different industrial use or to a commercial use.

**16-8A LOADING AREAS** (Revised 1/11/05)

- .1 In addition to the required off-street parking requirements, and on the same premises with any commercial or industrial use, but outside of the road right-of-way, there shall be provided and maintained adequate space for standing, loading and unloading.
- .2 At least one (1) off-street parking space shall be provided for each 20,000 square feet of floor area or fraction thereof.
- .3 Such off-street loading space shall be a minimum of 12 feet in width, 14 ½ feet in clearance height, and a depth of 25 feet, or sufficient depth to accommodate the largest delivery trucks serving the establishment, whichever is greater.
- .4 All loading and unloading areas shall be surfaced with a bituminous or other durable, dust-free surfaces. (Revised 1/11/05)

**16-8B HANDICAPPED PARKING** Revised 1/11/05)

Handicap parking will be provided in accordance with the Americans with Disabilities Act Accessibility Guidelines. (Revised 1/11/05)

**16-9 RECREATION VEHICLE PARKS AND CAMPGROUNDS BY SPECIAL USE PERMIT**

Recreation vehicle parks and campgrounds shall be allowed in the Conservation and Agriculture Districts by Special Use Permit issued by the Board of Supervisors. The operators of such parks shall comply with the following:

**16-9-1 Area** - The following area requirements shall pertain for recreational vehicle parks and campgrounds:

- .1 Parks with only campsites or with a combination of campsites and recreational vehicle sites, shall contain at least ten (10) acres in area.
- .2 Parks with only recreational vehicle sites shall contain at least four (4) acres in area.

**16-9-2 Accessory Uses** - Convenience establishments of a commercial nature, including small stores, coin-operated laundry and dry cleaning establishments, may be permitted subject to the following restrictions: Such establishments and any parking area primarily related to their operation, shall not occupy more than five percent (5%) of the area of the park, shall be subordinate to the residential use and character of the park, shall be located, designed and intended to serve only the needs of persons residing in the park and shall present no visible evidence of their commercial character from any portion of any residential district outside the park.

**16-9-3 Screening** - Where any property line of a recreational vehicle park and campground abuts a residential district or land occupied by a residential use permitted by the Zoning Ordinance, there shall be provided and maintained along said property line a continuous visual buffer with a minimum height of seven (7) feet. This buffer shall be a compact evergreen hedge or other type of screening, or shall be combined wooden fence and shrubbery screen with the latter facing the residential district or permitted residential use.

**16-9-4 Space Size** - Each recreational vehicle site or campsite shall be at least 1600 square feet in a area with no dimension less than twenty-five (25) feet.

**16-9-5 Density** - Recreational vehicle parks and campgrounds shall not exceed a maximum of twenty (20) lots per gross acre.

**16-9-6 Distance Between Recreational Vehicles** - No part of any recreational vehicle, tent or addition thereto, shall be placed within seven and one-half (7 ½) feet of any recreational vehicle site or campsite line.

**16-9-7 Water and Sewer** - Each recreational vehicle park and campground shall provide an adequate and safe water supply and method of sewage and trash collection, treatment and disposal as approved by the Health Department.

**Service Buildings** - Each recreational vehicle park and campground shall provide service buildings to house such toilet, bathing or other sanitation and/or laundry facilities as are hereinafter more particularly described.

- .1 Permanent Structures - All service buildings shall be permanent structures complying with a applicable County codes and regulations.
- .2 Distance to lots - Service buildings housing sanitation facilities shall be located no closer than thirty (30) feet to any recreational vehicle site or campsite nor farther away than four hundred (400) feet.
- .3 Maintenance - All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health and safety of any occupancy or the public, or otherwise constitute a nuisance or fire hazard.

**16-9-9 Sanitation Facilities** - Each recreational vehicle park and campground shall be provided with toilets, baths or showers, and other sanitation facilities in accordance with the requirements of the Health Department.

**16-9-10 Occupancy** - No individual unit shall be continuously occupied in any recreational vehicle park and campground for a period of more than sixty (60) days with in one year.

**16-9-11 Registration of Campers** - The operator of a recreational vehicle park and campground shall keep a record of all persons registering at the park or campground. This record shall show:

- .1 Name and permanent address of the person responsible for the camping unit registered.
- .2 Number in the party.
- .3 Year and make of car.
- .4 License number and state of car's registration.
- .5 Date of arrival and departure.

These records shall be open to the law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained therein. The record shall not be destroyed for a period of three (3) years following the date of departure of the registrant for the park or campground.

**16-9-12 Camping outside of a campground**-Camping outside of a campground that is inspected by the Health Department is prohibited unless in accordance with the following:

- a. Camping shall be limited to 30 days in a twelve month period. (Adopted 10/30/01)

## **16-10 OPEN SPACE**

### **16-10-1 Open Space Lands Deeded to County**

Open space areas required in a given development shall be deeded to Greene County for any bona fide public purpose when such lands are established to be suitable in size, location and character. Bonafide public purposes include:

- .1 Public building sites, parking areas shown or referred to in the Comprehensive Plan.
- .2 Public parks and recreation areas shown or referred to in the Comprehensive Plan.



- .3 Road right-of-way shown or referred to in the Comprehensive Plan.
- .4 Conservation, utility and/or drainage easements.

Such open space lands shall not be denuded, disturbed, defaced or destroyed in any manner without the prior approval of the Planning Commission.

#### **16-10-2 Open Space Lands in Corporate Ownership**

- .1 Open space lands not needed, not desired, and not dedicated to the County may be approved by the Planning Commission for transfer or conveyance of title to a non-profit corporate ownership duly established under the laws of Virginia, provided that the owner-developer presents a plan with property agreements and covenants running with the land, acceptable to the County for the development and maintenance of the lands.
- .2 Such covenants shall provide that the assessments, charges, and costs for the maintenance of the open space lands shall constitute a pro-rate lien upon the individual lots or parcels of the development second only to taxes and any bona fide trust or lien on each lot or parcel.
- .3 The members of such non-profit corporate ownership shall be the owners of all lots within the development, and the said land is to be held and used for the benefit of all the residents of the development.
- .4 Such open space lands shall not be denuded, disturbed, defaced or destroyed in any manner, but with approval may be used for recreational purposes such as tennis courts, swimming pools, walkways, riding paths, athletic courts, and other swimming uses.

#### **16-10-3 General Location Binding**

All open space lands approved on a final plat or development plan are binding as to general location and uses proposed.

#### **16-10-4 Indication on Final Plat**

All final plats and development plans shall indicate in the title block, by section as recorded, the open space areas by type of use, the acreage, and the percentage of the total project included on each plat.

#### **16-10-5 Streets, Lots, Parking Bays Not Included**

Streets, service drives, parking bays, and lots occupied by dwellings, where provided as required, shall be computed as a part of the lot coverage, and shall not be credited as open space.

#### **16-11 DEVELOPMENT IMPACT**

As stated in the Greene County Comprehensive Plan, it is the intent of the governing body, the Planning Commission, their agents and ordinances to encourage the development of Greene County in an organized and orderly manner. While not opposed to growth or development per se, Greene County does recognize the conflict that has arisen between the demands of new development activity for additional public service and facilities and the County's ability, financially and otherwise, to provide same. Therefore, to further the resolution of this conflict, all developers seeking a Special Use Permit or rezoning must expect to help determine the impact of their development upon Greene County and then must expect to assist in offsetting same under the laws of Virginia in effect at the time of application.

#### **16-11-1 All developers are required to finance and assist in the preparation of an impact study of his development upon the County. The impact study will supplement any information submitted with any preliminary plats and must consider the following:**

- .1 The proposed increase in County population that will result from the development by age, sex and occupation including the period of time over which such growth is expected to occur.
- .2 The expected needs of the development for public and private services (government, fire, water, sewer, police, schools, rescue squads, etc.) including the additional land, persons, buildings,

roads and equipment required.

**16-11-2** The governing body will have an independent impact study made also for comparison purpose.

**16-11-3** After mutual examination of each other's studies, the developer and the governing body shall call a mutually agreeable third party to mediate any points not resolved by the two primary parties.

**16-11-4** The results of the impact studies shall be weighed as one of the considerations in the Planning Commission's recommendations as required by this ordinance.

## **16-12 CONDITIONAL ZONING**

### **16-12-1 Conditions as a Part of Rezoning or Amendment to Zoning Map.**

Any applicant may voluntarily proffer in writing any reasonable conditions, prior to a public hearing before the Board of Supervisors, in addition to the regulations provided for within the zoning district by this zoning ordinance, as a part of rezoning or as a amendment to the zoning map provided that: (i) the rezoning itself gives rise to the need for such conditions; (ii) such conditions have reasonable relation to the rezoning; and (iii) all such conditions are in conformity with the Comprehensive Plan for the County of Greene, as defined in Section 15.2-2223 of the Code of Virginia of 1950, as amended.

### **16-12-2 Dedication of Real Property or Cash**

In the event proffered conditions include the dedication of real property or the payment of cash, such property shall not transfer and such payment of cash shall not be made until the facilities for which such property is dedicated or cash is tendered, are included in the County's Capital Improvement Program; provided, however, that this requirement shall not prevent the acceptance of proffered conditions relating to matters which are not normally included in such Capital Improvement Program.

If proffered conditions included the dedication of real property or the payment of cash, the proffered conditions shall provide for the disposition of such property or cash payment in the event the property or cash payment is not used for the purpose for which proffered.

### **16-12-3 Effective Date**

The provisions of this Ordinance shall apply to any application for rezoning filed after July 1, 1990, on which the Board of Supervisors has taken no final action prior to the date of adoption of this Ordinance.

## **16-13 ENVIRONMENTAL PROTECTION**

Alternative discharging sewage systems as defined by state law (Virginia Code Section 32.1-163 et seq. and Section 15.2-1200) are prohibited in the county unless the health officer of the county, or qualified person designated by him, finds that one is needed to serve an existing occupied dwelling and one or more of the following conditions exists:

1. There is an existing dwelling and there is no other reasonably available and acceptable method of sewage disposal such as public sewer or a drainfield septic system or other onsite sewage disposal system approval by the state.
2. There is a failing drainfield septic system and there is no other reasonably available and acceptable method of sewage disposal such as public sewer or replacement drainfield septic system or other on site sewage disposal system approved by the state. (Originally adopted 9/30/97; revised 2/24/98.)

## **16-14 FIREWORKS (Revised 1/11/05)**

Zoning Department conditions of approval:

- .1 No person shall sell, offer for sale, store, and display or discharge any fireworks in any filling station or on any premises where gasoline or other inflammable liquids are stored or

dispensed. County Code 42-1 and must be a minimum of one hundred (100) feet from any gas pumps or propane distribution tank.

- .2 Fireworks shall be allowed for sale for a period no longer than thirty (30) consecutive days from date of approval of the permit.
- .3 The site shall be cleaned and restored to its original condition at the expiration of the thirty (30) day period. This shall include removal of all structures signs,
- .4 A thirty (30) foot front setback shall be maintained. Display shall be located so as to avoid traffic congestion. Modifications subject to zoning administrator's approval.
- .5 Building permits shall be obtained for all proposed structures and/or lighting.
- .6 Sign permits shall be obtained for all proposed signage. (Revised 1/11/05)

#### **16-15 FRONTAGE AND LOT WIDTH MEASUREMENTS** (Revised 1/11/05)

Lot frontage and minimum lot with shall be established as follows:

Except as otherwise provided in the district regulations, every lot shall front on an existing public street, or a street dedicated by subdivision plat and maintained or designed and built to be maintained by the Virginia Department of Transportation, except that private roads shall be permitted in accordance with section 6-4-4 of the Greene County Subdivision Ordinance.

Except as specifically permitted in this section, frontage shall not be less than required by the regulations of the district in which the lot or parcel is located.

Frontage on a private street cul-de-sac or on a private road cul-de-sac may be reduced provided that driveway separation shall be in accordance with Virginia Department of Transportation standards.

For a lot located at the end of an access easement, frontage shall not be less than the full width of such easement. For a lot served by a shared driveway or alley, frontage shall be provided along a public street or private road.

Minimum lot width shall be at least the same distance as the frontage required for the district in which such lot is located. The depth of front and rear yards shall be established where minimum lot width is achievable but shall not be less in depth than required for the district which such lot is located. Minimum lot width shall be maintained between the front and rear yard. Lot width shall not be reduced under section 16-15.b. (Revised 1/11/05)

#### **16-16 ADMINISTRATIVE VARIANCE** (Revised 1/11/05)

The zoning administrator may grant a variance from any building setback requirement after finding in writing that:

1. The strict application of the provision would produce undue hardship;
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
3. The authorization of the variance will not be of substantial detriment to adjacent property; and
4. The character of the zoning district will not be changed by the granting of the variance. (Revised 1/11/05)

Prior to granting a variance the zoning administrator shall notify all adjoining property owners of the request for variance, inviting them to respond in writing. If the zoning administrator receives a written

objection from any adjoining property within twenty-one (21) days of the date of notice, he or she shall forward the request for variance to the Board of Zoning Appeals. (Revised 1/11/05)

## **16-17 REGULATIONS RELATED TO WATER AND SEWER UTILITIES** (Revised 7/25/06)

### **16-17-1 General**

- A. Water and sanitary sewer hookup is mandatory for new construction in accordance with these 16-17 regulations, unless the Greene County Board of Supervisors, in consultation with the Rapidan Service Authority finds that the capacity of the public water and/or sewerage system is inadequate to serve the proposed development.
- B. Water and sewer hookup is mandatory for new construction in accordance with these 16-17 regulations, if a water distribution or gravity sewer line owned by Greene County/Rapidan Service Authority is within three hundred and fifty feet (350') of a boundary line of the property to be served or within three hundred and fifty feet (350') of adjoining property under the same ownership or control as the property to be served.
- C. Water and sewer hookups for new construction shall be in accordance with the respective EDU purchase policies as adopted by the Board of Supervisors, latest revision.

### **16-17-2 Water Utilities**

- A. Water hookup is mandatory for new construction in the following districts:  
B1, B2, B3, M1, M2, PUD, SR

### **16-17-3 Sewer Utilities**

- A. Sanitary sewer hookup is mandatory for new construction for all zoning districts.  
(State law reference—Virginia Code § 15.2-2121)

## **16-18 INOPERABLE VEHICLES** (Revised 8/12/08)

### **16-18-1 Keeping of Inoperable Vehicles**

- .1 Definitions as used in this section:
  - (a) **Motor vehicle or vehicle** means any motor vehicle, trailer or semi-trailer, or any part thereof, as defined in Code of Virginia (1950), §46.2-100, as amended.
  - (b) **Inoperable vehicle** means any vehicle:
    - (i) Which is not in operating condition; or
    - (ii) Which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or
    - (iii) On which there are displayed no valid state license plates; or
    - (iv) On which there is displayed no valid state inspection decal; or
    - (v) This definition of “inoperable vehicle” shall not include a registered and licensed antique vehicle, classic vehicle, or prestige vehicle so long as the vehicle is in operating condition.

- (c) **Shielded or screened from view** means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located by using one of the following methods:
- (i) A form fitted, defect-free cover specifically designed and manufactured to completely shield the motor vehicle, trailer or semi-trailer from view;
  - (ii) A hedge or dense evergreen landscape planting not less than six (6) feet high and ten (10) feet wide that is neat and well maintained; or
  - (iii) An opaque masonry wall or treated wood fence of stockade, board and batten, panel or similar type design in good repair of not less than six (6) feet high and ten (10) feet wide.
- .2 The keeping by any person, firm or corporation, except within a fully enclosed building or structure or otherwise shielded or screened from view, of any inoperable motor vehicle on any property zoned for residential, commercial or agricultural purposes is detrimental to the public health, safety and welfare, and is hereby declared to constitute a public nuisance.
- .3 It shall be unlawful for any person, firm or corporation to keep on any property zoned for residential, commercial or agricultural purposes any vehicle which is inoperable, except as follows:
- (a) On property less than two (2) acres, one (1) inoperable vehicle, including any portions thereof, may be kept provided they are shielded or screened from view; or
  - (b) On property two (2) acres and larger, two (2) inoperable vehicles, including any portions thereof, may be kept provided they are shielded or screened from view; or
  - (c) The inoperable vehicle is kept at a commercial business in compliance with the county's zoning regulations covering such business and /or a conditional use permit has been issued for the operation of such business; or
  - (d) An inoperable vehicle being repaired at an automobile repair business may be kept at such property for no more than sixty (60) continuous days; or
  - (e) The inoperable vehicle is kept within a fully enclosed building or structure.
- .4 The provisions of this section shall not apply to any entity which was licensed and regularly engaged in business as an automobile dealer, salvage dealer or scrap processor, as of March 1, 1975.
- .5 The zoning administrator or his designee is hereby authorized to take any action necessary to ensure compliance with this Code section.

#### **16-18-2 Notice of Violation**

Property owner's, permit applicants, and/or establishment owners/managers, as applicable, and shall be notified in writing of violations of the provisions of this article. The Zoning Administrator or his designee shall, in the notice of violation, state the nature of the violation, the date that it was observed, and the remedy or remedies necessary to correct the violation. The Zoning Administrator or his designee may establish a reasonable time period for the correction of the violation.

### **16-18-3 Civil Enforcement Procedures**

The Zoning Administrator or his designee is authorized to bring legal action, including injunction, abatement, or other appropriate action or proceeding. This remedy is in addition to, and not in lieu of, any other remedy available to the administrator.

### **16-18-4 Civil Penalties**

The penalty for any one violation shall be a civil penalty of not more than \$100.00 for the initial summons and not more than \$250.00 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any ten-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$5,000.00. The zoning administrator or his deputy may issue a civil summons as provided by law for a violation of this article. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the county prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the locality to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

Such violations shall be a class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period.

### **16-18-5 State Law Reference(s)**

Authority to restrict keeping of inoperative motor vehicles, etc., on residential or commercial property; removal of such vehicles, Code of Virginia, § 15.2-904(A).

### **16-19 TEMPORARY EVENTS ZONING PERMIT (REVISED 6/26/12)**

Temporary events are uses that are established for a fixed period of time, with the intent to discontinue such use upon the expiration of such time, and that does not involve the construction or alteration of any permanent building or structure. A temporary structure is a feature, device, container or vehicle without a permanent foundation or footing and which is removed when the designated time period, activity, or use for which temporary structure was erected has ceased.

#### **16-19-1 Temporary Events (Revised 6/26/12)**

1. A temporary events zoning permit shall be required for temporary events that are planned for or which reasonably may be expected to attract more than 50 persons at any one time.
  - a. Examples of temporary events which require a temporary zoning permit are: carnival, circus, festival, fair, dog show, horse show, fireworks show and similar uses.
  - b. The temporary events zoning permit shall be issued for not more than four occasions per year and not more than seven consecutive days on a specific property.
  - c. Temporary event permits shall be issued in accordance with Article 16-1.

2. No such activity or accessory use to the activity shall be located closer than 100 feet from the property line that is adjoining or adjacent to a residential, agricultural, or conservation district. Provisions must be made for off-street parking, security, safe ingress and egress, refuse disposal, sanitary facilities as appropriate and approved by applicable local, state and federal agencies.
3. Temporary events are permitted only between the hours of 7:00 a.m. and 12:00 midnight. The zoning administrator may require that no activity, including set-up or take-down of any such use, be permitted between 12:00 midnight and 7:00 a.m.
4. Night operations shall be permitted only if the zoning administrator determines that the proposed lighting protects the public safety and will not cause excessive glare into residential areas or onto public streets.
5. Prior to issuance of a zoning permit, fireworks shows must also obtain a fireworks display permit, which sets forth the days and hours of the show, from the county administrator's office.

#### **16-19-2 Exemptions (Revised 6/26/12)**

The following temporary events are exempt from the requirements of this section and occur without a temporary event zoning permit. Exempt temporary events, however, shall remain subject to all other applicable provisions of this ordinance and the county laws and regulations, including, but not limited to standards governing noise control.

1. Temporary events planned or reasonably expected to attract less than 50 persons at any one time.
2. Any event sponsored in whole or in part by the county or another political subdivision of the Commonwealth of Virginia.
3. Political Rallies
4. Any organized temporary events conducted at sites or facilities typically intended, used, and designed for such events.
  - a. Examples of such exempt activities include, but are not necessarily limited to sporting events conducted on courses or fields intended and used for such activities such as commercial stables or horse riding facilities; historic home museums and adjacent grounds, wedding services conducted at churches, banquet facilities/halls, reception halls, or similar facilities; wine tasting and wine tasting dinners at Virginia farm wineries or wineries whose facilities are designed for such events; conferences and similar events in facilities designed for such use unless otherwise conditioned by an approved Special Use Permit. (Revised 7/12/16)

#### **16-20 MOBILE FOOD UNITS (REVISED 10/14/14)**

##### **16-20-1 Mobile Food Unit Regulations (Revised 10/14/14)**

- .1 A mobile food unit may be operated in the business and industrial zoning districts.
- .2 No mobile food unit may be operated on private property without the mobile food unit owner or his designee having first been issued a zoning permit pursuant to this section.
- .3 A zoning permit allows the permittee to operate a single unit at a maximum of three (3) different properties.
- .4 The sites shall be cleaned and restored to its original condition at the end of each day. This shall include removal of permitted temporary signs.
- .5 The mobile food unit shall not connect or access external utilities (electric, water, sewer, storm drain, etc.)
- .6 At least one exterior trash receptacle shall be provided.

- .7 The mobile food unit may not be parked or operated in a public right of way.
- .8 An applicant may apply for more than one (1) zoning permit.
- .9 Applicants for a zoning permit authorizing a mobile food unit to operate on private property must provide:
  - a) A valid Health Permit from the Virginia Health Department stating that the mobile food unit meets all applicable standards. A valid health permit must be maintained for the duration of the zoning permit.
  - b) A valid county business license must be obtained by the permittee.
  - c) Written permission from the owner(s) of the private properties upon which the permittee will operate.
  - d) A sketch to be approved by the Zoning Administrator for each property, illustrating access to the site, all parking areas, routes for ingress and egress, placement of the mobile food unit, distance from property lines, garbage receptacles and any other feature associated with the mobile food unit.
- .10 Hours of operation from 6 am to 10 pm.
- .11 A mobile food unit zoning permit is valid for one year from the date of issuance.
- .12 A mobile food unit operator shall not:
  - a. Sell anything other than food, non-alcoholic beverages, and items incidental to the product and its consumption;
  - b. Set up more than one (1) covered 10 ft. x 10 ft. area to provide condiments and temporary seating to patrons;
  - c. Play any music that broadcasts outside of the vehicle;
  - d. Place or utilize any signage that is not permanently affixed to the mobile food unit or a permitted temporary sign;
  - e. Fail to provide receptacles and properly dispose of all trash, refuse, compost, and garbage that is generated by the use;
  - f. Cause any grease and/or liquid wastes to be discharged from the mobile food unit;
  - g. Locate a mobile food unit within 100 feet of a residential zoning district or a residential use.
- .13 If a mobile food unit is found to be in violation of this ordinance, the zoning permit may be revoked by the Zoning Administrator.

## 16-21 FARM WINERIES (REVISED 6/23/15)

Each farm winery shall be subject to the following:

Table A	By right	By right with Zoning Clearance	Special Use Permit



<b>Farm Wineries</b>	<p>Production, harvesting, storage, sales, tasting, agritourism activities;</p> <p>Agritourism or farm winery events or retail sales generating Less than or equal to 200 vehicle trips/day &amp; occurring on sites greater than or equal to 10 acres in size.</p> <p>Less than or equal to 24 agritourism or farm winery events/year with less than or equal to 400 attendees at any time;</p> <p>Structures for agritourism or farm winery sales Less than or equal to 4,000 square feet</p>	<p>Outdoor amplified music (new establishments)</p> <p>Agritourism or farm winery events or retail sales generating either greater than 200 vehicle trips/ day or occurring on sites less than 10 acres in size<sup>1</sup>; greater than 24 agritourism or farm winery events per year with less than 400 attendees at any time</p>	<p>Structures for agritourism or farm winery sales greater than 4,000 square feet;</p> <p>Events greater than 400 attendees at any time</p>
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<sup>1</sup> The area requirement may be one or more abutting parcels under the same ownership which the agricultural operation and event or activity is located.

**16-21-1 Uses permitted. The following uses, events and activities (hereinafter, collectively, “uses”) are permitted at a farm winery:**

- .1 The production and harvesting of fruit and other agricultural products and the manufacturing of wine including, but not limited to, activities related to the production of the agricultural products used in wine including, but not limited to, growing, planting and harvesting the agricultural products and the use of equipment for those activities.
- .2 The sale, tasting, including barrel tastings, or consumption of wine within the normal course of business of the farm winery.
- .3 The direct sale and shipment of wine by common carrier to consumers in accordance with Title 4.1 of the Virginia Code and the regulations of the Alcoholic Beverage Control Board.
- .4 The sale and shipment of wine to the Alcoholic Beverage Control Board, licensed wholesalers, and out-of-state purchasers in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
- .5 The storage, warehousing, and wholesaling of wine in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
- .6 The sale of wine-related items that are incidental to the sale of wine including, but not limited to, the sale of incidental gifts such as cork screws, wine glasses, and t-shirts.

**16-21-2 Agritourism uses or wine sales related uses. The following uses are permitted at a farm winery, provided they are related to agritourism or wine sales:**

- .1 Exhibits, museums, and historical segments related to wine or to the farm winery.

- .2 Farm winery events at which not more than four hundred (400) persons are in attendance at any time. The acreage requirements and maximum vehicle trips/day are indicated in Table A.
- .3 Guest winemakers and trade accommodations of invited guests at a farm winery owner's private residence at the farm winery.
- .4 Hayrides.
- .5 Kitchen and catering activities related to a use at the farm winery.
- .6 Picnics, either self-provided or available to be purchased at the farm winery.
- .7 Providing finger foods, soups, and appetizers for visitors.
- .8 Tours of the farm winery, including the vineyard.
- .9 Weddings and wedding receptions at which not more than four hundred (400) persons are in attendance at any time.
- .10 Other uses not expressly authorized that are agritourism uses or are wine sales related uses, which are determined by the zoning administrator to be usual and customary uses at farm wineries throughout the Commonwealth, which do not create a substantial impact on the public health, safety, or welfare, and at which not more than four hundred (400) persons are in attendance at any time.

**16-21-3 Special Use Permit.**

- .1 Agritourism uses or wine sales related uses; (see Table B). The following uses are permitted at a farm winery with a special use permit, provided they are related to agritourism or winery sales and in compliance with Table B:
  - a. Farm winery events.
  - b. Weddings and wedding receptions at which more than four hundred (400) persons are in attendance at any time.
  - c. Other uses not expressly authorized that are agritourism uses or wine sales related uses which are determined by the zoning administrator to be usual and customary uses at farm wineries throughout the Commonwealth.
- .2 Information and sketch plan to be submitted with application for a special use permit. In addition to any information required to be submitted with an application for a special use permit under Article 16-2, each application for one or more uses authorized under 16-21, shall include the following:
  - a. Information pertaining to the following: (i) the proposed uses; (ii) the maximum number of persons who will attend each use at any given time; (iii) the frequency and duration of the uses; (iv) the provision of on-site parking; (v) the location, height and lumens of outdoor lighting for each use; and (vi) the location of any stage, structure or other place where music will be performed.
  - b. A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the director of planning depicting: (i) all structures that would be used for the uses; (ii) how access, on-site parking, outdoor lighting, signage and

minimum yards will be provided in compliance with this chapter; and (iii) how potential adverse impacts to abutting lots will be mitigated so they are not substantial.

**16-21-4 Sound from outdoor amplified music.** Sound generated by outdoor amplified music shall be subject to the following:

- a. Zoning Certification. Each farm winery shall obtain approval of a zoning certification under Article 16-1 prior to generating any outdoor amplified music at the farm winery.
- b. Sound amplification shall be limited in the time range of 10:00 am to 10:00 pm EST.

**16-21-5 Setbacks:** Notwithstanding any other provision of this Article, the minimum front, side, and rear setback requirements shall be in accordance with each applicable zoning district's primary structure setback. This shall apply to all structures, to all tents, off-street parking areas and portable toilets used in whole or in part to serve any use permitted at a farm winery, provided that the zoning administrator may reduce the minimum required setback may be reduced by administrative variance upon finding that consideration of the following: (i) there is no detriment to the abutting lot; (ii) there is no harm to the public health, safety, or welfare; and (iii) written consent has been provided by the owner of the abutting lot consenting to the reduction.

**16-21-6 Uses prohibited.** The following uses are prohibited:

- .1 Restaurants.
- .2 Helicopter rides.

**16-22 FARM STANDS, FARM SALES, AND FARMERS' MARKETS (REVISED 6/23/15)**

1) **Each farm stand, farm sales, and farmers' market shall be subject to the following, as applicable:**

- a. Zoning certification. Notwithstanding any other provision of this chapter, each farm stand, farm sales, or farmers' market shall obtain approval of a zoning certification issued by the zoning administrator as provided by Article 16-1 before the use is established as provided herein:

1. Application. Each application for a zoning certification will be sent to Virginia Department of Transportation establishing that it has approved the entrance from the public street to the proposed use and:

- (a) A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the zoning administrator depicting:
  - (i) all structures that would be used for the use; (ii) how access, on-site parking, outdoor lighting, signage and minimum setbacks will be provided in compliance with this section and this chapter; and (iii) how potential adverse impacts to adjoining property will be mitigated.

- b. Structure size. Structures used in conjunction with a farm stand, farm sales, or farmers' market shall comply with the following:

1. **Farm stands.** Any permanent structure established and used for a farm stand shall not exceed one thousand five hundred (1500) square feet gross floor area.
2. **Farmers' markets.** Any new or existing permanent structure may be used for a farmers' market without limitation to its size.
3. **Farm Sales.** Any new or existing permanent structure used for farm sales shall not exceed four thousand (4,000) square feet gross floor area.

2) **Parking.** Notwithstanding any provision of Article 16-8, the following minimum parking requirements shall apply to a farm stand or farmers' market:

- a. Number of spaces. Each use shall provide one (1) parking space per four hundred (400) square feet of retail area.

- 3) **Location.** No parking space shall be located closer than ten (10) feet to any public street right-of-way.
- 4) **Design and improvements.** In conjunction with each request for approval of a zoning certification, the zoning administrator shall identify the applicable parking design and improvements required that are at least the minimum necessary to protect the public health, safety, and welfare by providing safe ingress and egress to and from the site, safe vehicular and pedestrian circulation on the site, and the control of dust as deemed appropriate in the context of the use. Compliance with the identified parking design and improvements shall be a condition of approval of the zoning certification.
- 5) **Setbacks:** Notwithstanding any other provision of this Article, the minimum front, side, and rear setback requirements shall be in accordance with each applicable zoning district's primary structure setback. This shall apply to all structures, to all tents, off-street parking areas and portable toilets used in whole or in part to serve any use permitted at a farm winery, provided that the zoning administrator may reduce the minimum required setback may be reduced by administrative variance upon finding that consideration of the following: (i) there is no detriment to the abutting lot; (ii) there is no harm to the public health, safety, or welfare; and (iii) written consent has been provided by the owner of the abutting lot consenting to the reduction.

#### 16-23 FARM BREWERIES (REVISED 6/23/15)

Each farm brewery shall be subject to the following:

Table B	By right	By right with Zoning Clearance	Special Use Permit
<b>Farm Brewery</b>	<p>Production, harvesting, storage, sales, tasting, agritourism activities;</p> <p>Agritourism or farm brewery events or retail sales generating Less than or equal to 200 vehicle trips/day &amp; occurring on sites greater than or equal to 10 acres in size.</p> <p>Less than or equal to 24 agritourism or farm brewery events/year with Less than or equal to 400 attendees at any time;</p> <p>Structures for agritourism or farm brewery sales Less than or equal to 4,000 square feet</p>	<p>Outdoor amplified music (new establishments)</p> <p>Agritourism or farm brewery events or retail sales generating either greater than 200 vehicle trips/ day or occurring on sites less than 10 acres in size<sup>1</sup>; greater than 24 agritourism or farm brewery events/year with less than 400 attendees at any time</p>	<p>Structures for agritourism or farm brewery sales greater than 4,000 square feet;</p> <p>Events greater than 400 attendees at any time</p>

<sup>1</sup> The area requirement may be one or more abutting parcels under the same ownership which the agricultural operation and event or activity is located.

**16-23-1 Uses permitted.** The following uses, events and activities (hereinafter, collectively, “uses”) are permitted at a farm brewery:

- .1 The production and harvesting of barley and other grains, hops, fruit, and other agricultural products, and the manufacturing of beer including, but not limited to, activities related to the production of the agricultural products used in beer including, but not limited to, growing, planting, and harvesting the agricultural products and the use of equipment for those activities.
- .2 The sale, tasting, or consumption of beer within the normal course of business of the farm brewery. The acreage requirements and maximum vehicle trips/day are indicated in Table B.
- .3 The direct sale and shipment of beer in accordance with Title 4.1 of the Virginia Code and the regulations of the Alcoholic Beverage Control Board.
- .4 The sale and shipment of beer to licensed wholesalers and out-of-state purchasers in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
- .5 The storage and warehousing of beer in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
- .6 The sale of beer-related items that are incidental to the sale of beer including, but not limited to, the sale of incidental gifts such as bottle openers, beer glasses, and t-shirts.

**16-23-2 Agritourism uses or beer sales related uses.** The following uses are permitted at a farm brewery, provided they are related to agritourism or beer sales:

- .1 Exhibits, museums, and historical segments related to beer or to the farm brewery.
- .2 Farm brewery events at which not more than four hundred (400) persons are in attendance at any time. The acreage requirements and maximum vehicle trips/day are indicated in Table B.
- .3 Guest brew masters and trade accommodations of invited guests at a farm brewery owner's private residence at the farm brewery.
- .4 Hayrides.
- .5 Kitchen and catering activities related to a use at the farm brewery.
- .6 Picnics, either self-provided or available to be purchased at the farm brewery.
- .7 Providing finger foods, soups, and appetizers for visitors.
- .8 Tours of the farm brewery, including the areas where agricultural products are grown.
- .9 Weddings and wedding receptions at which not more than four hundred (400) persons are in attendance at any time and shall be in accordance with Table B.
- .10 Other uses not expressly authorized that are agritourism uses or are beer sales related uses, which are determined by the zoning administrator to be usual and customary uses at farm breweries throughout the Commonwealth, which do not create a substantial impact on the public health, safety, or welfare, and at which not more than four hundred (400) persons are in attendance at any time and is in compliance with Table B.

### **16-23-3 Special Use Permit.**

- .1 Agritourism uses or beer sales related uses; (see Table B). The following uses are permitted at a farm brewery with a special use permit, provided they are related to agritourism or beer sales and in compliance with Table B:
  - a. Farm brewery events.
  - b. Weddings and wedding receptions at which more than four hundred (400) persons are in attendance at any time.
  - c. Other uses not expressly authorized that are agritourism uses or beer sales related uses which are determined by the zoning administrator to be usual and customary uses at farm breweries throughout the Commonwealth.
- .2 Information and sketch plan to be submitted with application for a special use permit. In addition to any information required to be submitted with an application for a special use permit under Article 16-2, each application shall include the following:
  - a. Information pertaining to the following: (i) the proposed uses; (ii) the maximum number of persons who will attend each use at any given time; (iii) the frequency and duration of the uses; (iv) the provision of on-site parking; (v) the location, height, and lumens of outdoor lighting for each use; and (vi) the location of any stage, structure, or other place where music will be performed.
  - b. A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the director of planning depicting: (i) all structures that would be used for the uses; (ii) how access, on-site parking, outdoor lighting, signage, and minimum setbacks will be provided in compliance with this chapter; and (iii) how potential adverse impacts to abutting lots will be mitigated so they are not substantial.

### **16-23-4 Sound from outdoor amplified music.** Sound generated by outdoor amplified music shall be subject to the following:

- .1 Zoning Certification. Each farm brewery shall obtain approval of a zoning certification under Article 16-1 prior to generating any outdoor amplified music at the farm brewery.
- .2 Sound amplification shall be limited in the time range of 10:00 am to 10:00 pm EST.

### **16-23-5 Setbacks:** Notwithstanding any other provision of this Article, the minimum front, side, and rear setback requirements shall be in accordance with each applicable zoning district's primary structure setback. This shall apply to all structures, to all tents, off-street parking areas and portable toilets used in whole or in part to serve any use permitted at a farm winery, provided that the zoning administrator may reduce the minimum required setback may be reduced by administrative variance upon finding that consideration of the following: (i) there is no detriment to the abutting lot; (ii) there is no harm to the public health, safety, or welfare; and (iii) written consent has been provided by the owner of the abutting lot consenting to the reduction.

### **16-23-6 Uses prohibited. The following uses are prohibited:**

- a. Restaurants.
- b. Helicopter rides.

### **16-24 EVENTS AND ACTIVITIES AT AGRICULTURAL OPERATIONS (REVISED 6/23/15)** Each event or activity at an agricultural operation authorized below shall be subject to the following, as applicable:

#### **16-24-1 Uses permitted.** The following events, activities, and structures are permitted by right, permitted by right with approval of a zoning certification, or by special use permit as set forth in Table C, provided that these events, activities, and structures are individually and in the aggregate

subordinate to the agricultural operation, and subject to the applicable requirements of this section. This section does not apply to the agricultural operation itself, to any farm winery subject to Article 16-21 or to any farm brewery subject to Article 16-23.

<b>Table C</b>	By right	By right with Zoning Certification <sup>2</sup>	Special Use Permit <sup>3</sup>
Agricultural Operations Events and Activity <sup>1</sup>	<p>Harvest-your-own activities;</p> <p>Agritourism, events or retail sales generating Less than or equal to 200 vehicle trips/ day &amp; occurring on sites greater than or equal to 10 acres in size <sup>4</sup>;</p> <p>Less than or equal to 24 farm tours/ year with Less than or equal to 400 attendees at any time;</p> <p>Less than or equal to 24 educational programs, workshops or demonstrations related to agriculture or silviculture with Less than or equal to 400 attendees at any time;</p> <p>Structures for farm sales Less than or equal to 4,000 square feet</p>	<p>Outdoor amplified music</p> <p>Agritourism, events or retail sales generating either greater than 200 vehicle trips/ day or occurring on sites less than 10 acres in size <sup>4</sup>;</p> <p>greater than 24 farm tours per year or farm tours with less than 400 attendees at any time</p> <p>greater than 24 educational programs, workshops or demonstrations related to agriculture or silviculture with Less than or equal to 400 attendees at any time</p>	<p>Structures for farm sales greater than 4,000 square feet;</p> <p>Events or activities with greater than 400 attendees at any time</p>

1. If two or more events or activities categorized as "Agritourism" or "Other Events or Activities" are being, or will be, conducted on-site simultaneously for any duration, the number of visitor VTPD and the number of attendees shall each be aggregated, and the requirements of the more restricted event or activity shall apply. For the purposes of this provision, an event or activity requiring a special use permit is more restricted than an event or activity permitted by right, either with or without a zoning certification, and an event or activity permitted by right with a zoning certification is more restricted than an event or activity permitted by right.
2. The zoning certification shall be obtained under section 16-1 and shall include the matters in subsection 1.
3. The special use permit shall be obtained under Article 16-2 and, in addition to the requirements of that section.
4. The area requirement may be one or more abutting parcels under the same ownership which the agricultural operation and event or activity is located.

**16-24-2 Zoning certification.** In reviewing a request for approval of a zoning certification, the zoning administrator's review shall include verifying that the proposed event or activity complies with the applicable minimum setback standards, Virginia Department of Transportation entrance standards, Virginia Department of Health standards, and shall ensure that on-site travelways can accommodate emergency vehicles, adequate on-site parking is provided in a location that complies with this chapter, and that all improvements comply with the applicable requirements in Article 16.

**16-24-3 Special Use Permit.** Information and sketch plan to be submitted with application for a special use permit. In addition to any information required to be submitted with an application for a special use permit under Article 16, each application for one or more event or activity ("use") for which a special use permit is required under subsection (d) shall include the following:

- .1 Information. Information pertaining to the following: (i) the proposed uses; (ii) the maximum number of persons who will attend each use at any given time; (iii) the frequency and duration of the uses; (iv) the provision of on-site parking; (v) the location, height, and lumens of outdoor lighting for each use; and (vi) the location of any stage, structure or other place where music will be performed.
- .2 Sketch plan. A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the director of planning, depicting: (i) all structures that would be used for the uses; (ii) how access, on-site parking, outdoor lighting, signage, and minimum setbacks will be provided in compliance with this chapter; and (iii) how potential adverse impacts to abutting lots will be mitigated so they are not substantial.

**16-24-4 Sound from outdoor amplified music.** Sound generated by outdoor amplified music shall be subject to the following:

- a. Zoning Certification. Each agricultural operation shall obtain approval of a zoning certification under Article 16-1 prior to generating any outdoor amplified music at the agricultural operation.
- b. Sound amplification shall be limited in the time range of 10:00 am to 10:00 pm EST.

**16-24-5 Setbacks and separation from dwelling units.** Notwithstanding any other provision of this chapter, the following minimum front, side, and rear setback requirements shall apply to any event or activity:

- .1 Structures used for sales. The minimum setbacks for structures used for the sale of agricultural or silvicultural products shall be as follows:
- .2 New permanent structures and temporary structures. The minimum front, side, and rear setbacks required for any new permanent structure or temporary structure shall in accordance to the primary use setbacks for each applicable zoning district. The minimum required setback may be reduced by an administrative variance upon consideration of the following: (i) there is no detriment to the abutting lot; (ii) there is no harm to the public health, safety, or welfare; and (iii) written consent has been provided by the owner of the abutting lot consenting to the reduction.
- .3 Existing permanent structures. If an existing permanent structure does not satisfy any minimum setback requirement under subsection (h)(1)(a), the minimum setback required shall be the distance between the existing permanent structure and the street, road, access easement, or lot line on the approval of this ordinance, and that distance shall not be thereafter reduced. An enlargement or expansion of the structure shall be no closer to a street, road, access easement or lot line than the existing structure.
- .4 Outdoor event and activity areas. The minimum front, side, and rear setbacks for outdoor event and activity areas shall be seventy-five (75) feet. In addition, outdoor event and activity areas shall be a minimum of one hundred twenty-five (125) feet from any dwelling unit on an abutting lot not under the same ownership as the agricultural operation. These minimum standards shall not apply to any portion of the agricultural operation that is engaged in production agriculture or silviculture, even though it also is used for an agritourism activity.
- .5 Parking areas and portable toilets. The minimum front, side, and rear setbacks for parking areas and portable toilets shall be seventy-five (75) feet. In addition, parking areas and portable toilets shall be a minimum of one hundred twenty-five (125) feet from any dwelling unit on an abutting lot not under the same ownership as the agricultural operation.

**16-24-6 Prohibited.** The following uses are prohibited:



- .1 Restaurants.
- .2 Helicopter rides.

**16-25 Tourist Lodging (Revised 9/29/2021)**

**16-25-1** Regulations pertaining to tourist lodging permitted by-right in the A-1 and C-1 zoning districts:

- 1. No more than five (5) guest rooms contained within the primary structure.
- 2. No more than four (4) events per year. Each event shall be in accordance with Article 16-19, temporary events zoning permits.
- 3. One (1) dwelling per parcel is permitted for tourist lodging and shall be in accordance with all applicable zoning district requirements (yards, setbacks, heights, etc.).

**16-25-2** Regulations pertaining to Tourist Lodging permitted by special use permit in the A-1 and C-1 zoning districts:

- 1. More than five (5) guest rooms in the primary structure
- 2. More than four (4) events per year
- 3. More than one (1) dwelling or structure used for tourist lodging per parcel

## Article 17

### Provisions for Appeal

#### 17-1 BOARD OF ZONING APPEALS

- 17-1-1** A Board consisting of five (5) members shall be appointed by the Circuit Court of Greene County. Members of the Board may receive such compensation as may be authorized by Governing Body Members and shall be removable for cause by the appointing authority upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
- 17-1-2** The term of office shall be for five (5) years, except that of the first five (5) members appointed, one (1) shall serve for five (5) years, one (1) for four (4) years, one (1) for three (3) years, one (1) for two (2) years, and one (1) for one (1) year. One of the five appointed members may be an active member of the Planning Commission.
- 17-1-3** Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has a legal interest.
- 17-1-4** The Board shall choose annually its own chairman and vice-chairman who shall act in the absence of the chairman, and shall annually appoint a secretary who need not be a member of the Board.
- 17-1-5** Within the limits of funds appropriated by the governing body, the Board may employ or contract for legal, professional, technical and clerical services.

#### 17-2 POWERS OF THE BOARD OF ZONING APPEALS

Board of Zoning Appeals shall have the following powers and duties:

- 17-2-1** To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this ordinance or of any ordinance adopted pursuant thereto, including the following: (Revised 1/11/05)
- 17-2-2 Variances** (Revised 8/28/18)  
To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done.
- Criteria to establish basis to grant a variance.* The board shall grant a variance if the evidence shows: (i) that strict application of the terms of the ordinance would unreasonably restrict the utilization of the property; or (ii) that granting the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance; and all of the following:

1. *Good faith acquisition and hardship not self-inflicted.* The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance.
2. *No substantial detriment.* Granting the variance will not be a substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.
3. *Condition of situation not general or recurring.* The condition or situation of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.
4. *Use variance prohibited.* Granting the variance does not result in a use that is not otherwise permitted on the property or a change in the zoning classification of the property.
5. *Special use permit or special exception not available.* The relief or remedy sought by the variance application is not available through a special use permit or special exception authorized by this chapter when the application is filed.

*Factors not to be considered.* The board shall not base any decision on the merits of the purpose

and intent of any relevant provision in the zoning ordinance. (Revised 8/28/18)

No such variance shall be authorized except after notice and hearing as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance. In authorizing a variance the Board may impose such conditions regarding the location, character, setback, screening, lighting, access, and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

**17-2-3 Appeals** (Revised 8/28/18)

To hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator or any administrative officer of the County in the administration or enforcement of this ordinance. No such appeal shall be heard except after a public hearing in accordance with this ordinance. (Revised 8/28/18)

**17-2-4 Zoning Map Interpretation** (Revised 8/28/18)

To hear and decide appeals to the interpretation of the Official Zoning Map by the Zoning Administrator, Planning Commission or Board of Supervisors where there is an unresolved disagreement as to the location of a district boundary, subject to notice of adjoining property owners affected by any such interpretation and after a public hearing thereon. (Revised 8/28/18)

**17-2-5 No Power to Rezone** (Revised 1/11/05)

No provision of this section shall be construed as granting any Board the power to rezone property. (Revised 1/11/05)

**17-3 RULES AND REGULATIONS**

**17-3-1** The Board of Zoning Appeals shall adopt such rules and regulations as it may consider necessary.

**17-3-2** The meeting of the Board shall be held at the call of its chairman or at such times as a quorum of the Board may determine.

**17-3-3** The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

**17-3-4** The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

**17-3-5** All meetings of the Board shall be open to public.

**17-3-6** A quorum shall be at least three (3) members.

**17-3-7** A favorable vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the Board is required to pass.

**17-4 APPEAL TO THE BOARD OF ZONING APPEALS**

An appeal to the Board may be taken by any person aggrieved or by any office, department, board or bureau of the County or municipality affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the ground thereof. The Zoning

Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the appeal was taken. During the pendency of an appeal, pursuant to the provisions of this Section, no improvements or structural alterations of any sort may be erected or performed upon the property which is subject to appeal.

## **17-5 APPEAL PROCEDURE**

**17-5-1** Appeals shall be submitted to the Board of Zoning Appeals c/o the Zoning Administrator and a copy of the appeal submitted to the secretary of the Board of Zoning Appeals. (Revised 8/28/18)

**17-5-2 Fees** - Applications for appeals shall be accompanied by a fee as determined by the Board of Supervisors. The required application fee shall also be determined by the Board of Supervisors. (Revised 8/28/18)

## **17-6 PUBLIC HEARING (Revised 8/28/18)**

The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as required in Virginia Code §15.2-2204 of the State Code, as amended, and give due notice to the parties in interest and decide the same within ninety (90) days per Virginia Code §15.2-2312. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of an administrative office or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance. The Board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the Board and shall be public records. The Chairman of the Board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. (Revised 8/28/18)

## **17-7 APPEALS FROM DECISION OF BOARD OF ZONING APPEALS**

**17-7-1** Any person or persons jointly or severally aggrieved by a decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board, or bureau of Greene County, may present to the Circuit Court of Greene County a petition specifying the ground on which aggrieved within thirty (30) days after the filing of decision in the office of the Board.

**17-7-2** Upon the presentation for such petition, the court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

**17-7-3** The Board of Zoning Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

**17-7-4** If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly, or partly, or may modify the decision brought up for review.

**17-7-5** Cost shall not be allowed against the Board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.

## **17-8 SUBSEQUENT RESTRAINT**

Where a Zoning Permit has been issued and the construction of the building for which such Permit was issued is subsequently to be prevented, restrained, corrected, or abated as a violation of the Zoning Ordinance, by suit filed within fifteen (15) days after the start of construction by a person who

had no actual notice of the issuance of the Permit, the court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the administrative officer to the Board of Zoning Appeals.

## **Article 18**

### **Amendments and Rezoning**

- 18-1** The regulations, restrictions, zones and boundaries established in this Ordinance may from time to time be amended, supplemented, changed, modified or repealed by the governing body pursuant to Section 15.2-2285 of the Code of Virginia, as follows:
- 18-1-1** By filing with the Administrator of a petition by owners or contract owners of land proposed to be rezoned, which petition shall include a sketch site development plan in accordance with Section 18-5 of this Ordinance and which shall be accompanied by a fee as determined by the Board of Supervisors. The petitioner shall pay an application fee as determined by the Board of Supervisors when filing for a zoning text amendment.
- 18-1-2** By the adoption by the governing body of a resolution of intention to amend, which resolution, upon adoption, shall be referred to the Planning Commission.
- 18-1-3** By the adoption by the Planning Commission of a resolution of intention to propose an amendment.
- 18-2** The Planning Commission shall hold at least one public hearing on such proposed amendment, after notice as required by Section 15.2-2204 of the Code of Virginia, and may make appropriate changes in the proposed amendment as a result of such hearing. Upon the completion of its work, the Planning Commission shall present the proposed amendment to the governing body together with its recommendation and appropriate explanatory materials.
- 18-3** Before approving and adopting any amendment, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by Section 15.2-2204 of the Code, after which the governing body may make appropriate changes or corrections in the proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice required by Section 15.2-2204 of the Code. An affirmative vote of at least a majority of the members of the governing body shall be required to amend the Zoning Ordinance.
- 18-4** In the event that the governing body shall deny the petition of any property owner or other petitioner to amend this ordinance, substantially the same petition shall not be reconsidered for a period of six (6) months from the date of the original denial by the governing body.
- 18-5** Each request by petition for amendment to this Ordinance including amendment to the zoning map shall be accompanied by a sketch "site development plan" for all property included in the amendment request. The petition and sketch site development plan shall be submitted not less than fourteen (14) days to the next scheduled Planning Commission meeting, for applicable officials to review and provide comment on matters, including but not limited to soil conditions, storm run-off, traffic impact, utility availability, access for emergency vehicles, and on site inspections prior to the Planning Commission public hearing.
- 18-5-1** The sketch site development plan shall be a sketch of the property drawn to a scale of not less than one (1) inch equals one hundred (100) feet and shall contain the following information: tax map and parcel numbers; the boundaries and dimensions of the property; the owners of the property; the owners of the adjoining properties; the current zoning for the property and for the adjoining properties; the 100 year floodplain; the approximate size and location of proposed structures, roads, parking areas and landscaped areas; the number and type of proposed dwelling units and commercial, industrial or other buildings; and the location of the property by a vicinity map at a scale of not less than one (1) inch equals two (2) miles with landmarks sufficient to identify the location of the property.
- 18-5-2** If the amendment is approved, construction according to the sketch site development plan must be underway within a period of one (1) year following the date of approval of the amendment. The location and size of structures, roadways, parking areas and landscaping must follow the sketch site

development plan submitted with the amendment request and subject to the final development plan process provided for in Article 19 of the Ordinance.

**18-5-3** The Planning Commission will hold a rehearing as provided for in Section 17-2 if:

(a) construction according to the sketch site development plan is not underway within one (1) year of the date of approval of the amendment; or if:

(b) any substitutions to or deviations from the sketch site development are proposed by the developer. In the event the Administrator believes a waiver is appropriate, he shall notify the Planning Commission in writing and have it placed on the agenda for the next regular meeting.

## **Article 19**

### **Site Development Plan**

#### **19-1 STATEMENT OF INTENT**

- 19-1-1** There is a mutual responsibility between the County of Greene and the developer to develop land in an orderly, efficient fashion.
- 19-1-2** The purpose of this section is to insure that land in Greene County is used in a manner which is efficient and harmonious with neighboring property, in accordance with the adopted Comprehensive Plan, and in compliance with all applicable laws, rules and regulations of Greene County; to aid in protecting the environmental quality of the County; and to encourage high standards in the layout, landscaping, and construction of development within the County.

#### **19-2 APPLICATION**

- 19-2-1** A site development plan shall be submitted for any construction, or change in use, of a non-profit, public, commercial, business, industrial or multi-family residential use, regardless of location; for any new development or use which requires a special permit in designated floodplain areas, and for any development except single-family houses which occurs in the watershed area of any public water impoundment. No building or occupancy permit shall be issued by the Building Official and Zoning Administrator until such site development plan has been approved and signed by the Planning Director or Zoning Administrator. (Revised 1/11/05)
- 19-2-2** The foregoing notwithstanding, the Administrator may waive the requirement for a site development plan in a particular case upon the finding that the requirement of such a plan would not forward the purposes of this Ordinance; provided that the Planning Commission concurs in such a finding.
- 19-2-3** Compliance with the sections of this Article shall in no event be construed to relieve the applicant of compliance with all other provisions of the law applicable to the development in question.
- 19-2-4** In cases where a site development plan is required by other sections of this Ordinance, it shall conform to the more stringent requirements of this section rather than the minimal standards outlined in the various other sections.
- 19-2-5** No change, revision or erasure shall be made on any preliminary or final site development plan nor on any accompanying data sheet unless authorization for such change is granted in writing by the agent. Any site development plan may be revised, provided that a request for such revision shall be submitted and processed in the same manner as an original site development plan. The foregoing notwithstanding, the agent may approve administratively minor changes to an approved site development plan in any case in which he shall determine that the site development plan, as amended, is in compliance with the terms of all applicable laws; is substantially in compliance with the approved site development plan together with all conditions imposed by the commission or agent and will have no additional adverse impact on adjacent properties or public facilities. (Revised 6/23/09)

#### **19-3 PROCEDURE**

- 19-3-1** The applicant shall first submit a completed application and ten (10) copies of a proposed site development plan to the Administrator for initial review at which time the required fee as published shall be payable to the County Treasurer. The proposed plan shall be drawn to scale of not less than one (1) inch equals one hundred (100) feet and shall contain all the applicable information required



under Section 19-4-2. (Revised 6/27/06)

- 19-3-2** If the Administrator feels there are substantial problems either of a legal or environmental nature involved in the design, the Administrator may request a further meeting with the applicant to discuss such problems. Following approval of the preliminary site development plan by Administrator the applicant shall submit four (4) copies of the final site development plan to the Administrator as agent for the County within six (6) months of the preliminary site plan. Three (3) copies shall stay with the Administrator, and one (1) shall be returned to the applicant after a decision has been made.
- 19-3-3** Approval of the site development plan pursuant to this section shall expire five (5) years after date of approval thereof unless actual construction shall have commenced and is thereafter prosecuted in good faith. (Revised 6/27/06)
- 19-3-4** Upon receipt of a site plan application, the Planning Department shall notify the adjacent property owners in writing. The list of adjacent property owners shall be created from the most current records of the office of the Commissioner of the Revenue. The Planning Department shall also advertise in a newspaper serving Greene County the receipt of the application. The advertisement and notification shall include the application number, applicant, description and location of the proposal and when the proposal will be available to the public for viewing at the County offices. The Planning Department shall also place a sign upon the site for at least one week notifying the public that an application has been filed. (Revised 1/11/05)

#### **19-4 ADMINISTRATION**

- 19-4-1** The Administrator shall possess the authority to approve, modify, or reject the applicant's proposed final site development plan. He shall have a period of sixty (60) days following submission of the final site development plan by the applicant in which to make his decision. To guide the Administrator's review, the Planning Commission shall recommend standards for development to the Board of Supervisors.
- 19-4-2** Every final site development plan shall contain the following as applicable:
- .1 Project title, date, and projected completion date.
  - .2 Name of engineer, surveyor, and developer, and address.
  - .3 Signature panel.
  - .4 Northpoint.
  - .5 Scale.
  - .6 Vicinity sketch drawn to a scale of one (1) inch equals two (2) miles with landmarks sufficient to identify the location of the property.
  - .7 Zoning of site and adjacent properties.
  - .8 Owners of parcels and title sources.
  - .9 Owners of adjoining properties.
  - .10 Property boundaries.
  - .11 Building setback lines.
  - .12 Existing property features (streets, buildings, etc.) to be retained.
  - .13 Contours (existing and proposed) and grading.
  - .14 Utilities (existing and proposed) and easements.
  - .15 Proposed streets and names and right-of-way easements.
  - .16 Ingress and egress.
  - .17 Outdoor lighting plan.
  - .18 Curbs, sidewalks, gutters, etc.
  - .19 Drainage patterns and facilities, and plan with easements.
  - .20 Proposed structures (number, type, size, etc.)
  - .21 One hundred (100) year floodplain.
  - .22 Existing trees and clearing areas and proposed landscaping, screening, and walkways as

- may be required to preserve neighborhood character.
- .23 Location and size of signs.
- .24 Garbage storage.
- .25 Off-street parking areas, loading areas, and internal circulation aisles.
- .26 Proposed density.
- .27 Outdoor rental and sales areas; outdoor display areas.
- .28 Recreation and open space amenities.
- .29 Land to be dedicated to County.
- .30 Total project area with percent used for building, parking, and open space.
- .31 Reserved. (Revised 1/11/05)
- .32 Reserved. (Revised 1/11/05)

**19-4-3** The approval, modification, or rejection of the proposal by the Administrator shall be noted on the fourth copy of the site plan and returned to the applicant. If modified, the applicant shall indicate his agreement with such modifications in writing before a building permit shall be issued. If rejected, the reasons for rejection shall be explained in a letter attached to the site plan.

**19-4-4** Appeal of any decision of the Administrator, made under provisions of this Article, may be made in writing to the Board of Supervisors by an aggrieved person within ten (10) days of the date of the decision. The Board of Super-visors may affirm, reverse or modify in whole or in part, the decision of the Administrator. If the Board takes no action within ninety (90) days of the filing of the appeal, the decision of the Administrator shall stand. The term aggrieved shall be limited to the applicant, the Planning Commission or any member thereof, and the Board of Supervisors or any member thereof.

#### **19-5 MINIMUM STANDARDS AND IMPROVEMENTS REQUIRED (Revised 1/14/2020)**

**19-5-1** All improvements required by this Section shall be installed at the cost of the developer.

**19-5-2** Prior to the approval of the final site development plan, there shall be executed by the owner or developer, an agreement to construct all physical improvements required by or pursuant to this Section which are to be dedicated to public use, together with a performance guarantee as provided by Article 19-8. (Revised 1/14/2020)

**19-5-3** Where adopted road plans, the Six Year Road Improvement Plan, or the Comprehensive Plan of Greene County indicated a proposed right-of-way greater than that existing along the boundaries of the site development, such additional right-of-way shall be reserved for public use when the plan is approved. Where a site development plan is presented on a public street of less than fifty (50) feet in width, additional right-of-way shall be a minimum of twenty-five (25) feet from the existing centerline. All building setbacks shall be measured from the additional dedicated or reserved right-of-way.

**19-5-4** In the case of any street to be dedicated to public use, all street and highway construction and design standards shall be in accordance with standards of the Virginia Department of Transportation.

**19-5-5** The Zoning Administrator shall require an easement for and/or construction of travel lanes or driveways to serve adjoining properties. The pavement of vehicular travel lanes or driveways designed to permit vehicular travel from adjacent property and parking areas shall be not less than twenty (20) feet in width, except for alleyways. The foregoing notwithstanding, the Administrator may waive this requirement for a plan in a particular case upon the finding that the requirement of such a plan would not forward the purposes of this Ordinance. (Revised 6/26/12)

**19-5-6** No cul-de-sac street shall be shorter than two hundred (200) feet in overall length including the turn-around or one hundred (100) feet in overall length exclusive of the turnaround. No cul-de-sac shall be longer than seven hundred (700) feet exclusive of the turn-around. All turn-arounds shall have a turning radius of at least fifty (50) feet. In the case of any such street which is not part of the State

Highway System, at least one sign of a type approved by the Administrator shall be posted giving notice that such street is not a thru street.

- 19-5-7** Parking areas design and construction shall be in accordance with sound engineering practices as approved by the Administrator. Number of spaces and paving shall conform with Article 16 of this Ordinance. Parking shall not be permitted on cul-de-sacs if the paved radius is less than fifty (50) feet, but parallel parking shall be permitted if the paved radius is greater than fifty (50) feet.
- 19-5-8** Adequate easements shall be provided for drainage and all utilities. Minimum width of easements shall be fifteen (15) feet, but may be greater subject to the requirements of the public entity to operate such utilities. A working easement whose edge is not less than seven and one half (7 ½) feet clear of the outside pipes are installed. Where easements do not follow established lot lines, the nearest edge of any easement shall be a minimum of ten (10) feet from any building.
- 19-5-9** Adequate drainage for the disposition of storm and natural waters both on and off-site should be provided. Provisions shall be made for the minimization of pollution of all downstream water courses due to surface runoff. The extent and nature of both on-site and off-site drainage shall be determined by the developer in conference with the Administrator.
- 19-5-10** Adequate provisions shall be made by the developer for all utilities, both on-site and off-site. Percolation tests by the Health Department and/or other methods of soil evaluation deemed necessary by the Health Department shall be the responsibility of the developer and shall be performed prior to submission of the final site development plan. When central water and/or sewer systems having sufficient capacity either existing or are proposed within a reasonable distance of the area of the development, provision shall be made to connect to the system.
- 19-5-11** All public facilities, utility and drainage easements outside of the right-of-way of public streets or access ways are to be shown on the final site development plan.
- 19-5-12** Site development plans may include provisions for the reservation and/or dedication of suitable areas for parks, community facilities, open space and other public or private recreational use, recognized in the Comprehensive Plan or required by any Article of this Ordinance. The developer shall confer with the governing body or its agent to ascertain if, and when, and in what manner such areas should be reserved for acquisition by the County. Nothing in this provision shall be construed to preclude the dedication of any property for public use which is not included in the Comprehensive Plan, provided such property is acceptable to the County for dedication and maintenance.
- 19-5-13** Provisions shall be made for sidewalks and pedestrian walkways which will enable pedestrians to walk safely and conveniently between buildings on the site and from the site to adjacent property. Provisions shall be made where appropriate for walkways in relation to private and public areas of recreation and open space, schools, and other similar facilities. Connections shall be made whenever possible of all walkways and bicycle-ways with similar facilities on adjacent developments. All sidewalks, curbs and gutters to be accepted for maintenance by the Virginia Department of Transportation shall be built in accordance with construction standards of the Department. Sidewalks and pedestrian walkways may be required on one or both sides of streets in residential developments of a density of four (4) or more units per acre and in commercial and industrial developments whenever the Administrator shall determine that the same are reasonably necessary to protect the public health, safety, and welfare, and that the need therefore is substantially generated by the proposed development.
- 19-5-14** Fire hydrant locations and fire flow requirements shall be as prescribed by Insurance Services Offices (ISO) standards and subject to approval by the Building Official. In any case in which the requirements of the Rapidan Service Authority exceed those cited in the foregoing sentence, the requirements of the Rapidan Service authority shall apply. In areas where public water is not

reasonably available the Building Official shall require such alternative provisions as deemed reasonably necessary to provide adequate fire protection. (Revised 1/11/05)

**19-5-15** Developments disturbing over ten thousand (10,000) square feet of land, shall be required to obtain a land disturbing permit. The necessary Erosion and Sediment Control, and Stormwater Management Plans and data shall be submitted, reviewed and approved by the Greene County Erosion and Sediment Program Administrator prior to the issuance of a land disturbing permit and final approval of the site development plan. (Revised 6/12/07)

**19-5-16** The Administrator, in order to encourage the preservation of the natural environment and to provide visual and noise buffering, shall refuse to approve any site development plan unless it is clear that the developer has made reasonable effort, in light of the proposed development, to preserve and protect the following:

- .1 Trees of ten inch diameter or larger;
- .2 Trees within required setbacks or along boundaries unless necessary to remove for access, grading, circulation, utilities or drainage;
- .3 Streams in their natural condition; and,
- .4 Ground area from soil erosion and excessive water runoff.

**19-5-17** Landscaping, screening, buffer areas, fences, walks, curbs, and other physical improvements as required by other County ordinances, by the Virginia Department of Transportation, or where the same shall be reasonable to preserve the existing character of the neighborhood, shall be provided by the developer.

**19-5-18** Storage of equipment, supplies, products, etc., not in the main structure shall be thoroughly screened from residential zones and uses, public right-of-way, and other public areas by the use of evergreens, fences, or other types of screening acceptable to the Administrator. Enclosed storage areas may be required if it is deemed necessary to protect the surrounding neighborhood.

**19-5-19** The approval of a site development plan or the installation of the improvements as required by this Article shall not obligate the County to accept improvements for maintenance, repair, or operation.

**19-5-20** Nothing herein shall require the approval of any development, use, or plan, or any feature thereof, which shall be found to constitute a danger to the public health, safety, or general welfare, or which shall be determined to be a departure from or violation of sound engineering design or standards

**19-5-21 Fire lanes** (Revised 1/11/05)

Fire lanes shall be required for all commercial development subject to the following:

- .1 Fire lanes shall have a minimum width of eighteen (18) feet.
- .2 Designated fire lanes shall be maintained free of obstructions and vehicles and shall be identified with above-grade signs and shall include the following language "No Parking Fire Lane Tow Away Zone" All signs shall have the bottom edge of the sign no lower than four (4) nor higher than seven (7) feet above the parking surface.
- .3 All designated fire lane signs or markings shall be maintained in a clean and legible condition at all times and replaced when necessary to ensure adequate visibility.
- .4 Fire lanes shall be provided to within 150 feet of all portions of an outside storage area.
- .5 Fire department access shall be provided and maintained to all structures undergoing construction alteration or demolition. Fire department access roadways shall be of an approved surface material capable of providing emergency vehicle access support at all times, and shall be a minimum of eighteen (18) feet in unobstructed width. The access roadways shall provide a minimum turning radius capable of accommodating the largest fire apparatus of Greene County and a minimum vertical clearance of thirteen and a half

(13 ½) feet. (Revised 1/11/05)

## **19-6 SCREENING YARDS AND LANDSCAPE STANDARDS (Revised 11/27/07)**

### **19-6-1 Applicability**

This ordinance shall apply to all site plans or site plan amendments approved after the effective date of this ordinance.

The provisions of this ordinance are not intended to prevent the use of any material or method of installation not specifically prescribed by this ordinance provided the alternative has been approved by the Zoning Administrator. The Zoning Administrator may approve any such alternative provided that the proposed design provides the approximate equivalence to the specific requirements of this ordinance.

### **19-6-2 Screening Yards**

- .1 Purpose  
Screening yards can provide an impression of separation of spaces and more extensive screening can shield entirely one use from another, enhance property values and provide aesthetic benefits.
- .2 General Screening Standards  
Every development within the zoning districts listed in Table 1 shall provide sufficient screening yards so that neighboring properties are screened from any adverse effects of the development.

The following screening yards shall be provided between various permitted uses and/or Zoning Districts:

Table 1

<b>Zoning Districts and/or Permitted Uses</b>	<b>Minimum Screening Yard Width</b>
Commercial or Industrial adjacent to Residential, Agriculture or Conservation	20 Feet
Multi-Family Residential adjacent to Single Family Residential, Duplex or Townhouse	20 Feet

- .3 Screening yards shall contain sufficient vegetation to provide an adequate screen between uses. Evergreen vegetation shall be planted and spaced in staggered rows, at a 15 foot center. Existing vegetation, such as hedgerows and trees may be used to satisfy the requirements of this ordinance.
- .4 All screening yards shall become part of the lot on which they are located, or in the case of commonly owned land, shall belong to the homeowners' or property owners' association.
- .5 The screening yard shall be maintained for the life of the development. Maintenance shall be the responsibility of the property owner.
- .6 Planting invasive plants are prohibited and are defined and identified by the *Invasive Plants of the Eastern United States: Identification and Control*, USDA Forest Service The University of Georgia, USDA APHIS PPQ and USDA Forest Service, Forest Health Technology Enterprise Team. FHTET-2003-08

### **19-6-3 Landscape Standards**

- .1 Purpose  
The purpose of these standards is for the installation and maintenance of plant materials. The plant material promotes the public health, safety and welfare, provides conservation of energy by providing shade and wind breaks, promotes areas which helps to reduce run-off and to recharge groundwater, improve air quality and assist on minimizing noise, dust and glare.
- .2 General Standards  
This ordinance shall apply to all site plan and site plan amendments approved after the effective date of this ordinance. This ordinance applies to the construction of any parking lot containing more than five parking spaces. This ordinance shall apply to the enlargement of any parking lot but not to the resurfacing of an existing lot.
- .3 Parking lots shall be designed to prevent vehicles from striking trees. Vehicles are presumed to have a body overhang of three feet, six inches.
- .4 Planting invasive plants are prohibited and are defined and identified by the *Invasive Plants of the Eastern United States: Identification and Control*, USDA Forest Service The University of Georgia, USDA APHIS PPQ and USDA Forest Service, Forest Health Technology Enterprise Team. FHTET-2003-08
- .5 All landscaping shall be planted according to ANSI A300 standards and/or Virginia Cooperative Extension; Publication Number 430-295, Revised June 2004.
- .6 All landscape shall become part of the lot on which they are located, or in the case of commonly owned land, shall belong to the homeowners' or property owners' association.
- .7 The landscape shall be maintained for the life of the development. Maintenance shall be the responsibility of the property owner.

### **19-6-4 Parking Lot Requirements**

The parking area shall include planting areas and they shall be calculated to equal 5% of the total parking area, to include travel ways. The calculation does not include screening yard or front buffer strip. In plans that bioretention is used as a stormwater feature, the planting areas may be 3% or more, of the total parking area, to include travel ways.

### **19-6-5 Interior Parking Landscape**

50% of the required landscape shall be located in the interior parking area. Interior parking planting areas shall not be less than 150 ft<sup>2</sup> and shall have a minimum of one tree and 3 shrubs planted for every 150ft<sup>2</sup>.

### **19-6-6 Perimeter Parking Landscape**

50% of the required landscape shall be planted around the building and perimeter of the parcel. The rate of installation shall be 1 tree and 3 shrubs for every 150 ft<sup>2</sup>.

### **19-6-7 Front Buffer Strip Landscape**

A minimum ten-foot wide buffer landscape strip shall be provided between parking lot and adjacent right-of-way. The buffer strip shall contain at least one small tree and 3 shrubs per 20 linear feet or one large tree and 5 shrubs per 40 linear feet. This area may not be included in interior or perimeter planting area calculations.

### **19-6-8 Applications**

Any person submitting a site plan or site plan amendment shall include a landscape/screening plan that shall include the following:

- .1 Landscape Plan

- Landscape work progress calendar
  - Existing trees to be retained – location, size (dbh), and species
  - Planting Schedule – group the tree species list by large or small trees and shrubs size classes as designated by definitions.
  - Scientific and common names
  - Size of planting stock-caliper and/or pot size for shrubs, designated by definitions
  - Quantity
  - Snow Placement Areas (minimize contact with plant material)
- .2 Planting Specifications and Details
- Copy of technical specifications
  - Details shall show planting depth, mulch, shrubs, groundcover, etc.
  - Screening details –plant material

## **19-7 OUTDOOR LIGHTING STANDARDS (Revised 11/27/07)**

### **19-7-1 Purpose and Intent**

The purpose and intent of this ordinance is to establish outdoor lighting standards that reduce the impacts of glare, light trespass and over lighting; promote safety and security; and encourage energy conservation.

The provisions of this ordinance are not intended to prevent the use of any equipment, material or method of installation not specifically prescribed by this ordinance provided the alternative has been approved by the Zoning Administrator. The Zoning Administrator may approve any such alternative provided that the proposed design provides the approximate equivalence to the specific requirements of this ordinance.

This ordinance shall apply to the installation of new outdoor lighting fixtures or the replacement of existing outdoor fixtures. Replacement of a fixture shall mean a change of fixture type or change to the mounting height or location of the fixture. Routine lighting fixture maintenance, such as changing lamps or light bulbs, ballast, starter, photo control, housing, lenses and other similar components, shall not constitute replacement and shall be permitted provided such changes do not result in a higher lumen output.

### **19-7-2 General Requirements**

Applicable for permitted and special uses, in all zoning districts with exception of those uses listed under exemptions in this ordinance.

- .1 Maximum Mounting Height: 25 feet  
\* Height is measured from grade to the top of the lighting fixture.
- .2 All outdoor lighting fixtures shall be aimed, located and maintained so as not to produce disability glare. All lighting fixtures serving these areas shall be full cut-off fixtures and shall be mounted horizontal to the ground.
- .3 Spillover light from commercial and industrial uses and zoning districts that are adjacent to public roads and those parcels in residential, agricultural and conservation zoning districts shall not exceed one-half (1/2) footcandle at the property line.
- .4 High intensity light beams in the form of outdoor search lights, lasers or strobe lights shall not be permitted.
- .5 Lighting used to illuminate flags, statues, signs or any other objects mounted on a pole, pedestal or platform, spotlighting or floodlighting used for architectural or landscape purposes, shall consist of full cut-off or directionally shielded lighting fixtures that are

aimed and controlled so that the directed light shall be substantially confined to the object intended to be illuminated. Directional control shields shall be used where necessary to limit stray light. In addition, such lighting shall meet the shielding requirements.

- .6 On parcels which contain a minimum of ten (10) parking lot light poles, shall be reduced by a least fifty (50) percent of full operational levels within one (1) hour after the close of business, unless needed for safety and security. This reduced lighting level shall be achieved by extinguishing at least fifty (50) percent of the total number of pole mounted lamps, by dimming lighting levels to no more than fifty (50) percent of the levels used during business or activity hours, or by some combination thereof; provided, however, that this provision shall not require parking lot lighting levels to be reduced to less than 0.2 footcandles as measured horizontally at the surface on which the light pole is mounted.
- .7 Lighting in island canopy ceilings shall be recessed, full cut-off fixtures with flat lenses. Lights shall not be mounted on the top or sides (facia) of the canopy and the sides of the canopy shall not be illuminated.

### **19-7-3 Exemptions**

The following shall be exempt from the provisions of this ordinance, provided that such fixtures, except for those set forth below, do not cause disability glare:

- Lighting fixtures and standards required by the Federal Communications Commission, Federal Aviation Administration, Federal and State Occupational Safety and Health Administrations, or other federal, state or county agencies, to include street lights within the public right-of-way.
- Outdoor lighting fixtures required by law enforcement, fire and rescue, the Virginia Department of Transportation or other emergency response agencies to perform emergency or construction repair work, or to perform nighttime road construction on major thoroughfares.
- Holiday lighting fixtures.
- Motion-activated light fixtures located as follows:
  1. On lots developed with single-family dwellings when such lighting fixtures emit initial lighting levels of 6000 lumens or less, are extinguished within five (5) minutes upon cessation of motion and are aimed such that the lamp or light bulb portion of the lighting fixture is not visible at five (5) feet above the property boundary; or
  2. On all other lots when such lighting fixtures are aimed such that the lamp or light bulb portion of the lighting fixture is not directly visible at five (5) feet above the property boundary.
- Lighting necessary for construction or emergencies is exempt from the provisions of this ordinance provided said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
- Temporary circus, fair, carnival, or civic uses.
- Lighting associated with agricultural uses structures, such as a barn and paddock areas.
- Lighting associated with single-family detached dwellings.

### **19-7-4 Nonconforming**

Outdoor lighting lawfully existing prior to this adopted ordinance, that do not conform to the provisions of this ordinance shall be deemed to be a lawful nonconforming use and may remain. Nonconforming lighting that is changed to or replaced by a conforming lighting fixture shall no longer be deemed non-conforming and thereafter such lighting shall be in accordance with the provisions of this ordinance.

### **19-7-5 Applications**

Any person submitting a site plan or applying for a building, electrical or sign permit to install



outdoor lighting fixtures shall as a part of said application submit evidence that the proposed work will comply with this ordinance.

The lighting plan application shall include at least the following:

- .1 A site plan drawn to scale showing building(s), landscaping, parking areas and proposed exterior lighting fixtures;
- .2 Location of all post, canopy, supports and light fixtures, including the height of each fixture, for any building, structure, parking, display and loading areas;
- .3 Specifications of the illuminating devices, lamps, supports, and other Devices, including designation as Illuminating Engineering Society of North America (IESNA) "cut-off" fixtures. This description may include but is not limited to manufacturers catalog cuts, and drawings where required.
- .4 Plan shall show locations of all pole mounted and building mounted fixtures and a numerical 25 foot by 25 foot grid of lighting levels, in footcandles, that the fixtures will produce on the ground (photometric report). The photometric report will indicate the minimum and maximum footcandle levels within the lighted area of the site. The minimum (lowest number) is usually at the outer edges of the illuminated area or between two fixtures. The average light level is determined by adding the footcandle value of all the points in the grid and dividing by the total number of points. This information is available from the manufacturer of the specified fixture.

The above required plans and descriptions shall be sufficiently complete to enable the Zoning Administrator to readily determine whether compliance with the requirements of this ordinance will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing lab.

## **19-8 Performance guarantees (Revised 1/14/2020)**

The purpose of this requirement is to guarantee timely installation and maintenance of improvements required by this ordinance and/or in accordance with the approved site plan; and to ensure that resources are available to the county for installation and maintenance of such improvements should the developer fail to provide them in the manner and within the time period provided for in this chapter. In the case of default, the county shall use the available performance guarantee funds to complete the improvements thereby secured to the extent practicable. In no event, however, shall the county be bound to supplement the performance guarantee funds with other county funds in order to complete the improvements. (Revised 1/14/2020)

### **19-8-1 General (Revised 1/14/2020)**

A performance guarantee in accordance with the standards in this article shall be required in the following circumstances:

19-8-1.1 To ensure completion and acceptance of public and private infrastructure improvements that are required as part of an approved site plan (e.g., streets, sidewalks, stormwater management facilities, potable water facilities, wastewater facilities, street lights), but are not installed before occupancy of the development;

19-8-1.2 To ensure completion of landscaping improvements that are required in accordance with Article 19 of the zoning ordinance but are not installed before occupancy of the development. (Revised 1/14/2020)

## **19-8-2 Form of performance guarantee. (Revised 1/14/2020)**

Where required, the owner or developer shall furnish a performance guarantee in any of the following acceptable forms:

- 19-8-2.1 Corporate surety bond means a surety bond signed by an insurance company licensed to transact fidelity and surety insurance business in Virginia guaranteeing installation and maintenance of the improvements in a form acceptable to the county attorney. The surety, when notified of the developer or landowner's default, shall elect either to perform in the developer or landowner's stead or to pay the face amount of the bond, or any lesser amount determined by the county. The surety shall agree to provide said funds to the county prior to performance of the work, based upon the county's estimate of the funds required.
- 19-8-2.2 Cash account means a cashier's check, certified check or cash to be deposited with the Treasurer of Greene County. Interest accruing on such funds shall be for the benefit of the county.
- 19-8-2.3 Irrevocable letter of credit means an instrument provided by a lending institution guaranteeing payment to the county in the event the developer or landowner defaults in performance under its site plan agreement and which meets the following minimum conditions:
  - a. That the lending institution shall guarantee payment of funds in an amount equal to the estimated cost of completing all required improvements and as otherwise required by this article;
  - b. That in case of failure on the part of the developer or landowner to complete the specified improvements within the required time period, the lending institution shall pay to the county immediately and without further action such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter;
  - c. That the letter of credit may not be withdrawn or reduced in amount until released by the site plan agent;
  - d. That the lending institution must be insured by the FDIC or FSLIC
  - e. The letter of credit shall be irrevocable until completion of all required improvements.
  - f. That the site plan agreement involved must contain a performance date which is a minimum of one (1) month prior to expiration of the letter of credit. The letter of credit must be irrevocable during any such period.
  - g. These requirements shall apply to new and amended letters of credit.
- 19-8-2.4 Cash escrow accounts:
  - a. The developer or landowner shall deposit cash or an instrument readily convertible into cash at face value, either with the county or in escrow with a financial institution approved by the county and insured by FDIC or FSLIC. The use of an instrument rather than cash shall be subject to the approval of the site plan agent.
  - b. The escrow account shall be held in trust until released by the site plan agent and may not be used or pledged by the developer or landowner as security in any other matter during that period.
  - c. In the case of a failure on the part of the developer or landowner to complete the improvements, the agreement shall provide that the financial institution shall immediately make the funds in the account available to the county for use in the completion of those improvements. (Revised 1/14/2020)

### **19-8-3 Amount of performance guarantee. (Revised 1/14/2020)**

- 19-8-3.1 Performance guarantees for required improvements shall be in an amount equal to at least 110 percent of the estimated full cost of completing the installation of the required improvements, including the costs of materials, labor, and project management.
- 19-8-3.2 Estimated costs for completing installation of required public or private infrastructure improvements shall be itemized by improvement type and certified by the owner's or developer's licensed professional engineer, surveyor or landscape architect, and are subject to approval by the site plan agent. Estimated costs for completing installation of required landscaping or other private site improvements shall be itemized and certified by the owner's or developer's landscape architect or contractor, and are subject to approval by the site plan agent.
- 19-8-3.3 The guarantee shall renew annually and shall increase or decrease by an amount equal to the most recent quarterly Construction Cost Index published by Engineering News-Record. This ensures that the estimated costs escalate as the Construction Cost Index escalates so that the guarantee amount reflects the most current cost to perform the improvements. In the case of default, the county shall use the available performance guarantee funds to complete the improvements thereby secured to the extent practicable. In no event, however, shall the county be bound to supplement the performance guarantee funds with other county funds in order to complete the improvements. In the case of default, the county shall use the available performance guarantee funds to complete the improvements thereby secured to the extent practicable. In no event, however, shall the county be bound to supplement the performance guarantee funds with other county funds in order to complete the improvements.
- 19-8-3.4 In the absence of a performance bond, or other guarantee, no final site plan shall be approved site plan, the developer shall submit four (4) copies of his proposed plans and specifications to the Zoning Administrator and receive written approval thereof by the return of one copy with such approval endorsed thereon. No such approval shall be given without prior written approval of the Highway Engineer and/or the Health Official, as may be appropriate. Said plans and specifications shall have been prepared by a qualified surveyor or engineer, registered by the Commonwealth of Virginia. Of the copies retained, one shall be forwarded to the Highway Engineer and one to the Health Official, when appropriate, and the remaining copy or copies shall be filed with the Commission's copy of the final plan. (Revised 1/14/2020)

### **19-8-4 Approval of improvements and release of performance guarantee (Revised 1/14/2020)**

- 19-8-4.1 Request for release. The owner or developer may submit to the site plan agent a written request for a periodic partial release or a final complete release of a performance guarantee. Such a request shall include:
- a) Certification by the owner's or developer's engineer that construction or installation of the public infrastructure improvements for which release of a performance guarantee is sought has been completed in accordance with approved plans and specifications, and that the improvements have been accepted and taken over for maintenance and operations by a state agency, local government department or agency, or other authority responsible for maintenance and operation of such improvements; or
  - b) Certification by the owner's or developer's landscape architect or contractor that construction or installation of landscaping or other private site improvements for which release of a performance guarantee is sought has been completed in accordance with approved plans and specifications.
- 19-8-4.2 Action on request for release. The site plan agent shall grant a requested release of a performance guarantee only after:
- a) County staff has performed any needed inspection of the improvements and has

certified in writing that the guaranteed improvements have been approved and accepted by the state agency, local government department or agency, or other authority responsible for maintenance and operation of such improvements;

b) The owner or developer has reimbursed the county for all costs associated with conducting any inspection that finds the guaranteed public infrastructure improvements have not been installed in accordance with approved plans and specifications;

c) The owner or developer has provided the site plan agent assurances that liens against guaranteed public infrastructure improvements will not be filed after their acceptance by the county (e.g., through affidavits, releases, or waivers of liens from all contractors and subcontractors); and

d) The owner or developer has provided the site plan agent any required maintenance guarantee for the same public infrastructure improvements.

19-8-4.3 The site plan agent shall release a performance guarantee within 30 days after receiving a written request for the release unless the site plan agent notifies the requestor in writing of the nonreceipt of applicable state agency approval or of specified defects or deficiencies and suggested corrective measures before expiration of the 30-day period.

If the site plan agent fails to take action on a request for release of a performance guarantee within the 30-day period, the request shall be deemed approved and a partial release granted to the owner or developer. In such instances, no final release shall be granted after expiration of the 30-day period until the owner or developer has submitted a written request for such release to the site plan agent via certified mail, return receipt requested. If the site plan agent fails to take action on the request within ten days after receiving it, the request shall be deemed approved and a final release granted to the owner or developer.

Limit on partial releases. No performance guarantee for improvements shall be partially released until construction or installation of at least 30 percent of the guaranteed improvements has been completed. No performance guarantee shall be reduced to less than ten percent of the full amount of the performance guarantee until construction or installation of all the guaranteed improvements has been completed.

19-8-4.4 Default and forfeiture of performance guarantee.

a) Notice of failure to complete improvements. If the owner or developer fails to complete installation of the guaranteed improvements (and in the case of public infrastructure improvements, to have the improvements accepted), the site plan agent shall give the owner or developer 30 days' written notice of the default by certified mail.

b) County completion of improvements. After the 30-day notice period expires, the county may draw on the security and use the funds to perform work necessary to complete installation of the guaranteed improvements. After completing such work, the county shall provide a complete accounting of the expenditures to the owner or developer and, as applicable, refund all unused security deposited, without interest. In the case of default, the county shall use the available performance guarantee funds to complete the improvements thereby secured to the extent practicable. In no event, however, shall the county be bound to supplement the performance guarantee funds with other county funds in order to complete the improvements.

19-8-4.5 Surety for maintenance of streets until accepted into state system.

If one or more public streets within a site plan are proposed for dedication or have been dedicated for public use and the street or streets, due to factors other than quality of construction, is not acceptable into the secondary system of state highways, the developer shall, prior to approval of the final site plan or prior to the final release of surety as provided, provide surety for the maintenance of the street or streets as provided herein:

a) The developer shall furnish to the site plan agent a certified check, official check, bond with surety satisfactory to the county, or a letter of credit satisfactory to the county,

or collaterally assign funds in a manner satisfactory to the county, in an amount sufficient for and conditioned upon the annual maintenance of the street or streets until it is accepted into the secondary system of state highways. The form and the type of the surety shall be to the satisfaction of and be approved by the county attorney.

b) For purposes of this section, the term "maintenance" means maintenance of the streets, curb, gutter, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage.

(c) Failure by the developer or landowner to complete or maintain the required physical improvements or to remove snow in a period of time not to exceed forty-eight hours from the end of the snow event, shall constitute a default and/or a violation of the county ordinances.

(d) Thereafter, the county may avail itself of any and all available remedies of law and in equity. (Revised 1/14/2020)

## Article 20

### Administration, Interpretation and Enforcement

- 20-1** This ordinance shall be enforced by the Administrator who shall be appointed by the governing body. The Administrator shall serve at the pleasure of that body. Compensation for such shall be fixed by resolution of the governing body.
- 20-2** Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this ordinance. However, such construction must commence within thirty (30) days after this ordinance becomes effective. If construction is discontinued for a period of six (6) months or more, further construction shall be in conformity with the provisions of this ordinance for the district in which the operation is located.
- 20-3 INTERPRETATION**  
Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainly exists with respect to the boundaries of any of the aforesaid as shown on the zoning map, the following rules shall apply.
- 20-3-1** Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys, railroad main tracks, such center line or lines shall be construed to be such boundaries, as the case may be.
- 20-3-2** Where a district boundary is indicated to follow a river, creek, or branch or other body of water, said boundary shall be construed to follow the center line at low water or at the limit of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.
- 20-3-3** If no distance, angle, curvature, description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on said zoning map. In the case of subsequent dispute, the matter shall be referred to the Board of Zoning Appeals which shall determine the boundary.
- 20-3-4** Drafting errors in this Ordinance or in its accompanying map may, at any time, be corrected by a majority vote of the Board of Supervisors after referral to the Planning Commission for recommendation and joint public hearing with Planning Commission on any such correction.
- 20-4 VIOLATION AND PENALTY**
- 20-4-1** All departments, officials, and public employees of this jurisdiction which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions of this ordinance. Any such permit, if issued in conflict with provisions of this ordinance, shall be null and void.
- 20-4-2 Notice of Violation (Revised 8/23/11)**  
Property owner's, permit applicants, and/or establishment owners/managers, as applicable, and shall be notified in writing of violations of the provisions of this article. The Zoning Administrator or his designee shall, in the notice of violation, state the nature of the violation, the date that it was observed, and the remedy or remedies necessary to correct the violation. The Zoning Administrator or his designee may establish a reasonable time period for the correction of the violation.
- 20-4-3 Civil Enforcement Procedures and Penalties (Revised 8/23/11)**  
The Zoning Administrator or his designee is authorized to bring legal action, including injunction, abatement, or other appropriate action or proceeding. This remedy is in addition to, and not in lieu of, any other remedy available to the administrator.
- The penalty for any one violation shall be a civil penalty of not more than \$100.00 for the initial summons and not more than \$250.00 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any ten-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$5,000.00. The zoning administrator or his deputy may issue a civil summons as provided by law for a violation of this

article. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the county prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the locality to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

Such violations shall be a class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period.

**20-5 SEVERABILITY**

Should any section or provisions of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

**20-6 CONFLICTING ORDINANCES, STATUTES AND REGULATIONS**

Whenever any section or provision of this ordinance or of any regulation adopted under the authority of this ordinance requires a larger lot area or a greater width or size of yard, or lower height of building than are required in any Virginia statute or other Greene County ordinances or regulations, the provision of this ordinance or of the regulation adopted under the authority of this ordinance shall govern. Whenever any section or provision of any Virginia statute or other Greene County ordinance or regulation requires a larger lot area or a greater width or size of yards or a lower height of building or imposes other higher standards than are required by any section or provisions of this ordinance or of any regulation adopted under the authority of this ordinance, the provisions of such Virginia statute or other Greene County ordinance shall govern.

**20-7 EFFECTIVE DATE**

This Zoning Ordinance of Greene County, Virginia shall be effective on and after March 1, 1975.

**20-8 CERTIFIED COPY**

A certified copy of the foregoing Zoning Ordinance of Greene County, Virginia, shall be filed in the office of the Zoning Administrator of Greene County and in the office of the Clerk of the Circuit Court of Greene County, Virginia.

## Article 21

(Revised 8/11/2020)

### Standards for Telecommunication Antennas and Towers

#### 21-1 DEFINITIONS

1. Alternative tower structure: Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
2. Antenna: Any apparatus designed for telephonic, data, radio or television communications through the sending and/or receiving of electromagnetic waves.
3. Co-location: The policy of allowing and encouraging the attachment of multiple antennas/users on every communications tower.
4. FAA: The Federal Aviation Administration.
5. FCC: The Federal Communications Commission.
6. Height: When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna or lightning rod.
7. Telecommunications Antenna Structure (TAS): Any structure, including a pole, mast, or tower, whether freestanding or mounted on another building or structure, which supports and antenna or an array of antennas
8. Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.
9. Amateur radio. This term refers to the radio communications system used by those with personal aim and without pecuniary interest, as regulated by the FCC rules and regulations specific to amateur radio.

#### Purpose and Intent

The purpose of the Telecommunications Antennas and Towers article, hereinafter referred to as "this Article" is to implement Greene County's land use and zoning policies regarding telecommunications antenna structures and related telecommunications facilities constructed and operated in the county. The secondary purpose is to ensure compliance with applicable federal laws, including the Telecommunications Act of 1996 and the Middle-Class Tax Relief and Job Creation Act of 2012, rules and interpretations of the FCC, and the Code of Virginia.

#### The intent of this Article is to:

1. Establish clear siting standards, permitting processes, and approval criteria for TASs and related facilities depending on the scale and type of facility;
2. Utilize set standards to allow administrative permitting of small-scale TASs and related facilities, such as towers and antennas for the provision of fixed wireless internet, where such facilities have been determined to have relatively low impacts;
3. Encourage co-located facilities where suitable towers and/or alternative tower structures exist;
4. Avoid unnecessary propagation of towers by ensuring all towers can accommodate multiple carriers and service providers;
5. Ensure towers do not negatively affect viewsheds or the county's environmental resources;
6. Provide specific approval criteria for government-owned TASs and facilities, within state and federal law, so as to allow the provision of an adequate, efficient, and reliable public safety communications system, and the provision of broadband internet to underserved citizens;
7. Promote consistency with the adopted Comprehensive Plan; and
8. Protect the health, safety, convenience, and general welfare of the public.



### **21-2-2 Applicability**

- .1 District Height Limitations The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at greater than fifty (50) feet in height.
- .2 Amateur Radio and Receive-Only Antennas: This ordinance shall not govern any tower or the installation of any antenna that is: 1) under 75 feet in height and is owned and operated by a federally-licensed amateur radio station operator, or 2) used exclusively for receive only antennas for amateur radio station operation.
- .3 Existing Structures and Towers: The placement of an antenna on or in an existing structure such as a building, sign, light pole, water tank, or other free-standing structure or existing tower or pole shall be permitted so long as the addition of said antenna shall not add more than twenty (20) feet in height to said structure or tower and shall not require additional lighting pursuant to FAA or other applicable requirements. Such permitted use may include the placement of additional buildings or other supporting equipment used in connection with said antenna so long as such building or equipment is placed within the existing structure or property and is necessary for such use

Should any provision of state and/or federal law, or any rule or interpretation by the FCC, impose a higher standard or a more restrictive standard than is contained within this Article, that standard shall control. Should any provision of this Article conflict with another section of the Greene County Code of Ordinances, this Article shall control.

### **21-2-3 General Guidelines and Requirement**

- .1 Principal or Accessory Use: For purposes of determining compliance with area requirements, antennas and tower may be considered either principal or accessory uses. An existing use or an existing structure on the same lot shall not preclude the installation of antennas or towers on such lot. For purposes of determining whether the installation of a tower or antenna complies with district regulations, the dimensions of the entire lot shall control even though the antennas or towers may be located on leased area within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance, shall not be deemed to constitute the expansion of a nonconforming use or structure.
- .2 Co-location: Applicants for new tower construction permits are encouraged to allow additional permitted uses of the tower by future applicants, provided that these future uses do not interfere with use(s) of the tower by its owner(s) or other leasee(s).
- .3 Inventory of Existing Sites: Each applicant for an antenna and/or tower is expected to provide to the County of Greene an inventory of its existing facilities that are either within the locality or within five miles of the border thereof, including specific information about the location, height, and existing use and available capacity of each tower. The County of Greene may share such information with other applicant applying for approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the locality, provided, however that the County of Greene shall not, by sharing such information, in anyway represent or warrant that such sites are available or suitable.
- .4 Design and Lighting: The requirements set forth in this section shall govern the location of all towers and the installation of all antennas governed by this ordinance; provided, however, that the County of Greene may waive any of these requirements if it determines that the goals of this ordinance are better served thereby.
  - a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color with no logos.
  - b. At a facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting of surrounding structures.
  - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - d. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the County of Greene may review the available lighting alternatives and

- approve the design that would cause the least disturbance to the surrounding views.
- e. No advertising any type may be placed on the tower or accompanying facility.
- f. To permit co-location, the tower shall be designed and constructed to permit extensions to a maximum height of 199 feet.
- g. Towers shall be designed to collapse within the lot lines/lease area in case of structural failure.
- h. If an application is denied, the applicant will be provided with a written notice of the denial that will include the reason for said denial.

#### **21-2-4 Federal Requirements**

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas.

#### **21-2-5 Building Codes**

To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable federal, state and local building codes and regulations.

#### **21-2-6 Information Required**

Each applicant requesting a special use permit under this ordinance shall submit a scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking fencing, landscaping and adjacent uses. The County of Greene may require other information to be necessary to assess compliance with this ordinance.

- .1 An engineering report, certifying that the proposed tower is compatible for co-location must be submitted by the applicant. Towers between 100' to 199' tall shall allow for a minimum of three (3) users including the primary user. Towers less than 100' tall shall allow for two (2) users including the primary user. This provision may be waived by a governing body in a particular case.
- .2 The County of Greene shall notify adjoining property owners in accordance with Virginia Code §15.2-2204. (Revised 9/9/14)
- .3 The applicant shall provide copies of its co-location policy.
- .4 A draft copy of the lease for the subject property, if applicable.
- .5 Photographs of the proposed site and of the point(s) of access to the state road network.

a) Photographs of visual simulations and of a balloon test shall be conducted at the proposed site. The photographs shall simulate the visibility of the maximum height of the TAS, if constructed. Photographs shall be simulated/taken from at least four (4) vantage points on public roads and/or public properties to adequately simulate the visual impact of the proposed TAS on neighboring and nearby properties. When a balloon test is conducted, it shall last a duration of at least six (6) hours during clear, daytime weather. The applicant shall provide notice of the date(s) and time(s) of the test in a local newspaper of general circulation at least seven (7) days prior to the actual test, and provide proof of said notice to the county.

#### **21-2-7 Factors Considered in Granting Special Use Permits for New Towers**

The applicant shall obtain a special use permit from Greene County before erecting towers or antennas covered by this article. Greene County shall consider the following factors in determining whether to issue a special use permit, although Greene County may waive or reduce the burden on the applicant of one or more of these criteria if Greene County concludes that the goals of this ordinance are better served thereby.

- .1 Height of the proposed tower;
- .2 Proximity of the tower to residential structures and residential district boundaries;
- .3 Nature of uses on adjacent and nearby properties;
- .4 Surrounding topography;
- .5 Surrounding tree coverage and foliage;
- .6 Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- .7 Proposed ingress and egress;
- .8 Co-location policy;
- .9 Language of the lease agreement dealing with co-location if applicable;
- .10 Consistency with the comprehensive plan and the purposes to be served by zoning;

- .11 Availability of suitable existing towers and other structures as discussed below; and
- .12 Proximity to commercial or private airports, or other established emergency aircraft landing sites.

**21-2-8 Availability of Suitable Existing Towers or Other Structures**

No new tower shall be permitted unless the applicant demonstrates the reasonable satisfaction of the County of Greene that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- .1 No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
- .2 Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- .3 Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- .4 The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- .5 The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Cost exceeding the cost of new tower development are presumed to be unreasonable.
- .6 The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

**21-2-9 Setbacks**

The following setback requirements shall apply to all towers and antennas for which a special use permit is required.

- .1 The tower must be setback from any off-site residential structure by no less than 100% maximum permissible height of the tower. This provision does not pertain to the property owner's residence upon whose property the tower is located. b
- .2 Towers, guys, and accessory facilities must satisfy the minimum zoning district setback for primary structures.

**21-2-10 Security Fencing**

Towers shall be enclosed by security fencing no less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the County of Greene may waive such requirements, as it deems appropriate.

**21-2-11 Landscaping**

The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the County of Greene may waive such requirements if the goals of this ordinance would be better served thereby:

- .1 Tower facilities shall be landscaped with a buffer of plant materials that effectively screen the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the facilities.
- .2 In locations in which the County of Greene finds that the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
- .3 Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such towers sited on large, wooded lots, the County of Greene may determine the natural growth around the property perimeter may be a sufficient buffer.
- .4 Existing trees within 200 feet of the tower shall not be removed except as may be authorized to permit construction of the tower and installation of access for vehicle utilities. The provision may be waived by a governing body in a particular case.

**21-2-12 Local Government Access**

Owners of towers are encouraged to provide the County co-location opportunities as a community benefit to improve radio communication for County departments and emergency services, provided it does not conflict with the co-location requirement of 21-2-6.1.

**21-2-13 Removal of Abandoned Antennas and Towers**

Any telecommunication antenna structure or antenna not operated or used for a continuous period of twenty-four (24) months shall be considered abandoned. The owner of the tower or the property owner, as the case may be, shall remove the structure and all associated facilities within ninety (90) days of receipt of the notice from the Zoning Administrator to do so. Ground equipment and any

buildings may remain with written approval from the property owner. Should the owner fail to comply with the removal requirement notice, the County may remove the telecommunications antenna structure and any related facilities, the costs for which shall be paid by the property owner. Alternatively, with consent of the owner, the County may assume ownership of the telecommunications antenna structure and any related facilities for its own use.

#### **21-2-14 Exempt and Government-owned Telecommunications Towers and Facilities.**

- (a) *Exempt installations.* The following categories of telecommunication antenna structures shall be exempt from the provisions of this Article and subject to any requirements of this section:
  - (1) Any telecommunication antenna structures constructed and owned by the County, pursuant to subsection (b) below.
  - (2) Any telecommunication antenna structures constructed by a state or federal entity which is otherwise exempt from local regulation.
  - (3) Any temporary telecommunication antenna structures erected by a governmental entity for the duration of a declared state of emergency, provided that the facility is removed within three (3) months of the end of the state of emergency.
  - (4) Any temporary telecommunication antenna structures erected by a commercial entity to provide coverage of a special event. Such a facility shall be allowed for a maximum of thirty (30) days, or removed within seven (7) days after conclusion of the event, whichever occurs first.
  - (5) Any noncommercial antennas and other similar devices for private, in-home residential use, such as broadcast television antennas, wireless access points/routers, wireless network range extenders, and the like. However, any such antenna or device shall be subject to the maximum height requirements of the underlying zoning district.
- (b) *County-owned facilities.* The following procedures and criteria shall govern any permanent telecommunication antenna structures and related facilities constructed by the County:
  - (1) Prior to construction, the location of the telecommunication antenna structures and related facilities shall be generally shown and/or described in the Comprehensive Plan pursuant to § 15.2-2232 of the Code of Virginia.
  - (2) Prior to construction, the Board shall issue a written determination of public necessity for the proposed telecommunication antenna structures and related facilities. This determination shall include a detailed description of the proposed telecommunication antenna structures, including height and design specifications, necessary to meet the public necessity. Prior to issuing this determination, the Board shall allow for public comment on the proposal for a period no shorter than thirty (30) days.
  - (3) Any telecommunication antenna structures and related facilities constructed by the County shall comply with all applicable state and federal regulations, including NEPA and NHPA reviews if necessary.
  - (4) In the event the County desires to transfer its ownership of a telecommunication antenna structures to a private commercial entity, a Special Use Permit (SUP) for the use shall be required pursuant to this Article. This shall be in addition to any required public hearing related to the disposition of public property.

#### **21-2-15 Nonconforming Telecommunications Towers and Facilities.**

- (a) Any telecommunication antenna structure constructed prior to August 11, 2020 which otherwise does not comply with the provisions of this Article shall be deemed a lawful nonconformity. A lawful nonconforming telecommunication antenna structures may be permitted for co-located antennas/facilities, but shall not be expanded, enlarged, or altered except in full conformance with this Article and with Article 15 (Non-Conforming Uses) of the Zoning Ordinance. Any nonconforming telecommunication antenna structures may be moved to another portion of the same property on which it is constructed upon approval of a Special Exception by the Board

## Article 22

### Definitions (Revised 7/12/16)

For the purpose of this Ordinance, certain words and terms are defined as follows. Words used in the present tense include the future. Words in the singular include the plural, and the plural includes the singular.

**ABATTOIR:** A commercial slaughter house.

**ACCESS:** A way or means of approach or admission.

**ACCESSORY DWELLING UNIT** (Revised 7/23/13): A separate living unit located on a single family residential lot. The accessory dwelling unit includes a kitchen, sleeping and bathroom facilities, located within the single family residence or within an accessory building on the property. Accessory dwelling unit is by definition subordinate in use, size, location and appearance to the primary unit. The accessory dwelling unit shall be in accordance with the following parameters:

- A. The accessory dwelling unit and the principal dwelling shall be in the same ownership. The owner must occupy at least one of the dwelling units as a permanent legal residence, except for temporary absences not to exceed six months. The owner occupancy shall be verified by a notarized affidavit from the owner. (Revised 7/23/13)
- B. Reserved (Revised 7/23/13)
- C. The installation of accessory dwelling unit is permitted by-right in Agriculture, A-1, Conservation, C-1 and, Residential, R-1, zoning districts. (Revised 7/23/13)
- D. The accessory dwelling unit must be a complete, separate housekeeping unit, independent in function from the principal dwelling. (Revised 7/23/13)
- E. Reserved (Revised 7/23/13)
- F. Not more than one accessory dwelling unit may be established on the parcel. (Revised 7/23/13)
- G. The accessory dwelling unit may be designed to be located within the single-family dwelling with a separate entrance or in a conforming accessory structure; however, it may not be located in a nonconforming accessory structure or structure made conforming as a result of a variance. (Revised 7/23/13)
- H. The accessory dwelling unit shall be designed so that the appearance of the building in which it is located remains that of a single family detached dwelling or accessory structure. (Revised 7/23/13)
- I. The accessory dwelling unit shall be no larger than 800 square feet, or smaller than 300 square feet. (Revised 7/23/13)
- J. The accessory dwelling unit shall not have more than two bedrooms. (Revised 7/23/13)
- K. Two additional off-street parking spaces shall be provided for the accessory dwelling unit. (Revised 7/23/13)
- L. All Health Department, State and County Code requirements shall be met. (Revised 7/23/13)
- M. Reserved (Revised 7/23/13)
- N. Reserved (Revised 7/23/13)
- O. Mobile or manufactured homes shall not be used as an accessory dwelling unit. (Revised 7/23/13)

**ACCESSORY USE OR STRUCTURE:** A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building; garages or other accessory structures, such as carports, porches and stoops attached to the main building or detached but directly accessible from the main structure, shall be considered part of the main building. (Revised 1/11/05)

**ACREAGE:** A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

**ADMINISTRATOR, THE:** The official charged with the enforcement of the Zoning Ordinance. He may be an appointed or elected official who is, by formal resolution, designated to the position by the governing body. He may serve with or without compensations determined by the governing body.

**ADULT BOOKSTORE or ADULT VIDEO STORE** means an establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: (A) books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that depict sexually explicit material or (B) instruments, devices, or paraphernalia that are designed for use in connection with sexually explicit activities. A principal business purpose exists if materials offered for sale or rental depicting or describing sexually explicit material or activities account for 20% or more of inventory, or occupy 20% or more of total floor space. An adult bookstore or adult video store shall be a minimum of 1,000 feet from residence, church, school, day care facility, park, additional adult bookstore, additional adult video store, additional adult entertainment, or similar establishments. (Revised 3/25/08)

**ADULT CARE CENTER:** Any facility: (a) operated and maintained to provide maintenance or care of three or less adults who are aged, infirm or disabled, and (b) which is not subject to the licensing requirements of VA Code Section 63.1-172 through -194.

**ADULT DAY CARE CENTER:** Any facility operated and maintained to provide supplementary care and protection during a part of the day only to four or more aged, infirm or disabled adults who reside elsewhere and which meets the licensing requirements of Section 63.1-175 of the Code of Virginia, 1950 as amended.

**ADULT ENTERTAINMENT ESTABLISHMENT** - An establishment offering goods and services of an adult nature which include adult theaters, adult nightclubs, adult arcade and adult cabarets. An adult entertainment establishment shall be a minimum of 1,000 feet from residence, church, school, day care facility, park, additional adult bookstore, additional adult video store, additional adult entertainment, or similar establishments. (Revised 3/25/08)

**AGE RESTRICTED COMMUNITIES:** In accordance with the age restricted portions of the "Federal Housing for Older Persons Act of 1995", occupancy of age restricted units within the Age Restricted Community (herein "Community") shall be in accordance with the following parameters:

- a. Not less than eighty percent (80%) of the occupied residential units shall be occupied by at least one person fifty five (55) years of age or older.
- b. Within any age restricted unit or lot, guests or children, 19 years of age or younger, are permitted for periods of time not to exceed twenty-one(21) days total for each such guest in any calendar year.
- c. If title to any age restricted lot or unit shall become vested in any person under the age of 55 by any reason of descent, distribution, foreclosure or operation of law, these age restrictions covenants shall not work a forfeiture or reversion of title, but rather, such person thus taking title shall not be permitted to reside in such lot or unit until he/she shall have attained the age of 55. Notwithstanding anything to the contrary as may be contained herein, a surviving spouse shall be allowed to continue to occupy a dwelling unit without regard to age; and
- d. The above described use restrictions shall be deemed to be automatically amended from time to time in accordance with any changes adopted to applicable local, or state regulations, governing age restricted housing and the "Federal Fair Housing for Older Persons Act." (Revised 5/18/04)

**AGRICULTURAL OPERATION:** Any operation devoted to the bona fide production of crops, or animals, or fowl, including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity. This term includes aquaculture and plant nurseries. (Revised 6/23/15)

**AGRICULTURAL OPERATION EVENT:** An event conducted at, and subordinate to, an agricultural operation is comprised of: (i) agritourism-related events such as tastings not conducted in the daily course of agritourism, farm sales, or the sale of agricultural products or food products; farm-to-table dinners; agricultural festivals; and auctions or livestock shows pertaining to livestock, animals, or other agricultural products not grown or raised at that agricultural operation; (ii) events that promote the sale of agricultural or silvicultural products; (iii) events that promote the sale of food products; (iv) events that are usual and customary at Virginia agricultural operations; and (v) fundraisers and charity events. (Revised 6/23/15)

**AGRICULTURAL PRODUCTS:** Any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops. (Revised 6/23/15)

**AGRICULTURE:** An agricultural operation, the keeping of livestock or poultry, or both, regardless of whether the keeping of livestock or poultry qualifies as an agricultural operation. The term includes accessory processing facilities for agricultural products grown or raised solely on the farm on which the agriculture is located, such as fruit packing plants and dairies. The term does not include any facilities permitted only by special use permit. (Revised 6/23/15)

**AGRITOURISM:** Any activity carried out at a farm winery, farm brewery, or an agricultural operation, that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions, regardless of whether or not the participant paid to participate in the activity. These rural activities also include, but are not limited to, farm tours, tours of an individual agricultural operation, hayrides, heirloom plant and animal exhibits, crop mazes, and educational programs, workshops, weddings and wedding receptions, or demonstrations related to agriculture or silviculture. (Revised 6/23/15)

**ALTERATION:** Any increase in the total floor area, or change in use of an existing structure.

**AMUSEMENT CENTER:** Any establishment business, or location in which there are more than three (3) games/devices (Revised 5/12/09)

**ANIMAL SHELTER:** A facility used to house or contain stray, homeless, abandoned or unwanted animals. (Revised 9/25/18)

**APARTMENT HOUSE:** A building used or intended to be used as the residence of three (3) or more families living independently of each other.

**ARENAS:** A large space used for various competitions and/or sports activities. (Revised 5/12/09)

**ART GALLERIES AND MUSEUMS, PUBLIC:** Public institution devoted to the exhibition of art and historical objects of lasting interest or value. (Revised 5/12/09)

**ART STUDIOS:** Business establishment for the study of art, sculpture or photography. (Revised 5/12/09)

**ASTROLOGY, CARD READING, PALM READING AND FORTUNE TELLING SHOPS:** Private establishment for the provision of services related to palm reading, fortune telling, and card and astrological reading. (Revised 5/12/09)

**AUCTION GALLERIES:** An establishment, excluding community centers and publicly owned property, used for the public sale of property (excluding livestock) to bidders.

**AUDITORIUMS:** A large room, hall, or building used for public gatherings. (Revised 5/12/09)

**AUTOMOBILE GRAVEYARD:** Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind incapable of being operated, and which it would not be economically practical to make operative, are placed, located, or found.

**BANKS/FINANCIAL INSTITUTIONS:** Establishments for the custody, loan, exchange or issue of money, for the extension of credit and for facilitating the transfer of funds.

**BARBER/BEAUTY SHOP:** Business establishment for the cutting and dressing of hair, shaving and trimming of beards, tanning and manicures, and related services.

**BASEMENT:** That portion of a building that is partly or completely below grade. (See definition for "**STORY ABOVE GRADE PLANE.**") (Revised 1/11/05)

**BIORETENTION:** A vegetated depression located on the site that is designed to collect, store and infiltrate runoff. Typically includes a mix of amended soils and vegetation. (Revised 11/27/07)

**BOARDING HOUSE:** A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen (14) persons.

**BUILDING:** A combination of any materials, whether portable or fixed, having a roof to form a structure for the use or occupancy by persons, or property. The word "building" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

**BUILDING ACCESSORY:** A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure.

**BUILDING, HEIGHT OF:** The height shall be measured from the average elevation of the ground surface along the front of the buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

**BUILDING, MAIN:** The principal building or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

**BUILDING MATERIAL SALES:** Business that display and sell building materials such as lumber, masonry, landscaping, plumbing materials, etc., where some or all of these materials are stored outside and not within a fully enclosed structure.

**BUILDING PERMIT:** A permit which is issued by the Building Official and Zoning Administrator before a building or structure is started, improved, enlarged or altered as proof that such action is in compliance with the Zoning Ordinance. (Revised 1/11/05)

**BUS, TRUCK AND TAXI TERMINALS:** A facility where buses, taxis and/or trucks are stored and dispatched when not accessory to another use on the premises. The use may include maintenance and service of dispatched vehicles. (Revised 5/12/09)

**CAMP: (see CAMPGROUNDS)**

**CAMPGROUNDS:** An area containing ten (10) acres or more in area developed by the owner to accommodate paying guests for stays of short duration in tents, campers or motor homes designed for single families or travel trailers owned by the guests. Campgrounds must comply with regulations for sanitation imposed by the Thomas Jefferson Health Department; and a special use permit shall be obtained in every case. (Revised 1/11/05)

**CANOPY:** A structure consisting only of a roof supported by columns or posts, erected over gasoline pump islands or similar fixtures, for the purpose of protecting such fixtures or their users from inclement weather. This definition does not include any building with walls, or any structure that would impede the vision of motorists or pedestrians, or any structure that blocks important scenic vistas or views. (Revised 1/11/05)

**CAR WASH:** A business that offers services for the washing, waxing, vacuuming, or other cleaning of vehicles. Car washes exclude body work such as painting, detailing, etc.

**CARNIVAL:** A traveling or transportable show or exhibition consisting of performances by persons and animals under one tent or similar structure, with or without other side shows and amusement devices. (Revised 1/11/05)

**CATERERS (ON AND OFF SITE):** The service of preparing and delivering food for off-site consumption at special events, including corporate activities, banquets, parties, weddings, and similar functions, for a fee, with such service generally including the serving of food at such special function. For purposes of this definition, a caterer does not include catering services associated with a principal use having a retail component including an eating establishment, eating and drinking establishment, or retail bakery, confectionary, or similar food production. (Revised 5/12/09)

**CELLAR:** A story having more than one-half of its height below grade and which is not designed for



occupancy for dwelling purposes.

**CEMETERY:** A privately or church owned and/or operated place for burial of the dead where lots are sold and perpetual care of the graves is furnished.

**CHANNEL:** A natural/artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water which is flowing within the limits of the defined channel.

**CHILD CARE CENTER:** Any facility operated for the purpose of providing care, protection and guidance to a group of children separated from their parents or guardians during part of the day only, and meeting the licensing requirements for child care centers of Section 63.1-196 of the Code of Virginia, 1950 as amended. For the purpose of this Ordinance, the Board of Zoning Appeals shall be provided the opportunity for annual review of the Center operations. The special use permit to allow this activity shall be non-transferable.

**CHURCH:** a structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held. (Revised 5/12/09)

**CIRCUS:** A traveling or transportable show or exhibition consisting of performances by persons and animals under one tent or similar structure, with or without other side shows. (Revised 1/11/05)

**CLUBS:** A building and grounds intended for social gatherings and community events. May be public or private. (Revised 5/12/09)

**CLUSTER ALTERNATIVE DEVELOPMENT:** Development premised on unit density which allows unit credit based on the number of gross acres of the site to be developed but permits development including lots and streets on a given percentage of the overall gross site.

**COFFEE SHOPS:** An establishment up to 2,500 square feet in total area that primarily prepares, sells and serves coffee, tea and other beverages, and which may sell baked goods and light meals such as soups and sandwiches, but does not serve full meals, and which has a seating area which serves as an informal conversation or lounging place. (Revised 5/12/09)

**COMMISSION, THE:** The Planning Commission of Greene County, Virginia.

**COMMON OPEN SPACE:** An open tract or parcel of land owned in un-divided interest, not devoted to residential uses or structures but directly related and adjunct to a residential development as herein provided.

**CONDOMINIUM:** Ownership of single units in a multiple unit structure or complex having common elements. Ownership includes fee simple title to a residence and undivided ownership, in common with other purchasers, or the common element in structure and including the land and its appenditures. The meaning of all terms shall be controlled by Section 55-79.41 of the Code of Virginia.

**CONSERVATION AND PRESERVATION AREAS:** Public or private areas established for the primary purpose of protecting or maintaining natural resources including native plants, wildlife, or natural scenic features.

**CONSTRUCTION FACILITIES, TEMPORARY:** A temporary special permit may be granted with conditions as being compatible with the use and nature of the adjacent properties for temporary construction facilities for a period coinciding with such available, proper bonds for clean-up are provided, and adjacent properties are adequately protected.

**CONVENIENCE STORE:** A single store, the ground floor area of which exceeds three thousand, five hundred square (3,500) feet and/or offers gasoline for sale.

**CONVENTS, MONASTERIES, RECTORIES AND PARISH HOUSES:** Convents, monasteries, rectories and parish houses: living quarters for individuals and groups of religious institutions that require privacy in following pursuit of their religious vows. (Revised 5/12/09)

**CRAFT AND ARTISAN TRADE:** A business where artisans create arts and crafts such as paintings, woodworking items such as furniture, pottery and the like as specialty items on an individual basis and display those items for sale to the general public.

**CRAFT OR COTTAGE INDUSTRY:** The production and/or sale of crafts carried on by the occupant of a dwelling as a secondary use in connection with which there is no display and no one is employed other than members of the family residing on the premises.

**CUL-DE-SAC:** A street with an outlet at one end and a turn-around at the other. (Revised 1/11/05)

**DAIRY:** A commercial establishment for the production, processing, and/or sale of dairy products.

**DANCE HALLS:** A public establishment that, for an admission fee, provides its patrons with music and space for dancing and, sometimes, dancing partners and refreshments. (Revised 5/12/09)

**DANGEROUS CHEMICALS:** Any and all substances used in or obtained from a chemical process or processes, whether liquid, solid, or gaseous, which could have a harmful effect upon the health of an individual exposed to such substance during a normal lifetime, PROVIDED HOWEVER, that the phrase "dangerous chemical" shall not be so interpreted as to include any normal household waste.

**DAY CARE FACILITIES:** Either a facility which is (a) operated and maintained to provide supplementary care and protection during a part of the day only to four or more aged, infirm or disabled adults who reside elsewhere and which meets the licensing requirements of Section 63.1-175 of the Code of Virginia, 1950 as amended (ADULT) or (b) any facility operated for the purpose of providing care, protection and guidance to a group of children separated from their parents or guardians during part of the day only, and meeting the licensing requirements for child care centers of Section 63.1-196 of the Code of Virginia, 1950 as amended (CHILD). Facilities that do not meet requirements of the Code of Virginia are prohibited.

**DEVELOPER:** An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or other entity having legal title to any tract or parcel of land to be developed whether or not they have given their power of attorney to one of their group or to another individual or entity to act on their behalf in planning, negotiation or in representing or executing the requirements of the ordinances of Greene County.

**DEVOTED TO THE BONA FIDE PRODUCTION OF CROPS, ANIMALS, OR FOWL:** As used in the definition of "agricultural operation," any lot on which the production of one or more agricultural products is a primary use ("agricultural production") and the agricultural production is engaged in good faith and not merely to enable the lot to be eligible to host events and activities at an agricultural operation. The Zoning Administrator determines whether the agricultural production is a primary use and engaged in good faith and may consider the following factors : (i) whether the lot is subject to use value assessment because it is real estate devoted agriculture, horticulture, or silviculture; (ii) the acreage in agricultural production; (iii) the proportion of the lot's acreage in agricultural production; (iv) the crops, animals, or fowl being produced; (v) the acreage of the lot and of the site; (vi) the owner's federal tax forms including Form 1040F (Farm Expense and Income), Form 4385 (Farm Rental Income and Expenses), Form 1040E (Cash Rent for Agricultural Land), Form 1040C (Business Profit and Loss), or Form 1120 (Corporate Partnership); (vii) receipts showing gross sales over the most recent three-year period or evidence of the value of agricultural products that would have been sold but for a natural disaster; (viii) the proportion of the owner's total income derived from agricultural production on the site; (ix) evidence of participation in a federal farm subsidy program; (x) evidence of operating under a conservation farm management plan prepared by a professional; (xi) the proportion of capital investment in the site devoted to the production of agricultural products, operating, and labor expenses; (xii) Greene County-level United States Department of Agriculture Census of Agriculture data; and (xiii) any other relevant factors. (Revised 6/23/15)

**DISABILITY GLARE:** refers to reduced visibility of a target due to the presence of a light source elsewhere in the field. (Revised 11/27/07)

**DISTRICT:** A division of territory within Greene County for the purposes of regulation of its use under the provisions of this ordinance as provided for in Section 15.2-2280 of the Code of Virginia.

**DUPLEX:** A two family residential structure; the dwelling units may be arranged one above the other or be attached.

**DWELLING:** Any structure which is designed for use for residential purposes, except hotels, boarding houses, motels, trailers, and travel trailers. (Revised 7/12/16)

**DWELLING, MULTIPLE FAMILY:** A building or portion thereof, used as a multiple dwelling for the purpose or providing three (3) or more separate dwelling units with shared means of egress and other essential facilities.

**DWELLING, SINGLE FAMILY ATTACHED:** One of two or more dwelling units which are joined together by a common party wall, and/or connecting permanent structures such as breezeways, carports, garages or screening fences or walls, whether or not such a dwelling unit is located on adjoining individual lots or as a group on a single parcel of land. Each unit shall have its own outside entrance.

**DWELLING, SINGLE FAMILY DETACHED:** A structure arranged or designed to contain one (1) dwelling unit.

**DWELLING, TWO FAMILY:** A building arranged or designed to be occupied by two families, the structure having only two (2) dwelling units.

**DWELLING UNIT:** A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**EASEMENT:** A grant by a property owner of the use of his land to another party for a specific purpose.

**EASEMENT, PUBLIC ACCESS:** An easement, or series of easements, which grant and guarantee the right of access of emergency and public service vehicles to any given area or right-of-way.

**EMERGENCY CARE FACILITIES:** A facility that provides the delivery of ambulatory care in a facility dedicated to the delivery of medical care outside of a hospital emergency department, usually on an unscheduled, walk-in basis. Emergency care centers are primarily used to treat patients who have an injury or illness that requires immediate care but is not serious enough to warrant a visit to an emergency room. Often emergency care centers are not open on a continuous basis, unlike a hospital emergency room which would be open at all times. (Revised 5/12/09)

**EMPLOYMENT AGENCIES:** A place of business that considers job seekers for placement in a client company. (Revised 5/12/09)

**EQUIPMENT RENTAL AND LEASING:** A facility that provides small and large equipment rental/leasing. The facility that stores the equipment shall be screened by a wall, fence or landscaping screen not less than six (6) feet in height. (Revised 5/12/09)

**EQUIPMENT SALES AND REPAIR SHOPS:** Large and Small Equipment sales/rental/repair shop: A facility that provides small and large equipment sales/rental/leasing/repair. The facility that stores the equipment shall be screened by a wall, fence or landscaping screen not less than eight (8) feet in height. The sale or repair of vehicles as defined in this ordinance is excluded from this definition. (Revised 5/12/09)

**EVERGREEN VEGETATION:** is vegetation that retains its leaves all year round. Evergreen vegetation shall measure 12 feet or taller at maturity. Evergreen vegetation shall be a minimum 6 feet tall at time of installation. (Revised 11/27/07)

**FAMILY:** One or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boarding house, lodging house, or motel or hotel. (Revised 7/12/16)

**FAMILY DAY CARE HOME FOR ADULTS:** A residential home providing supplementary protection and care for no more than three (3) aged, infirm, or disabled adults unrelated to the care-giver, who resides elsewhere for a part of the 24 hour day and which meets certification standards of the local Department of Social Services/Welfare.

**FAMILY DAY CARE HOME FOR CHILDREN:** Any private family home in which more than five (5) children are received for care, protection, and guidance during only part of the day, except children who are related by blood or marriage to the person who maintains the home, and meeting applicable licensing requirements for family day care homes of Section 63.1-196 of the Code of Virginia. For the purpose of this Ordinance, the Board of Zoning Appeals shall be provided the opportunity for annual review of the home operations. The special use permit to allow this activity shall be non-transferable.

**FAMILY, IMMEDIATE:** A person's natural or legal offspring, spouse, parent or grandchild. (Revised 1/11/05)

**FARM BREWERY:** An establishment located on one or more lots in Greene County licensed as a limited brewery under Virginia Code § 4.1-208. (Revised 6/23/15)

**FARM BREWERY EVENT:** An event conducted at a farm brewery on one or more days where the purpose is agritourism or to promote beer sales including, but not limited to, gatherings not otherwise expressly authorized as a use under zoning districts C-1 and A-1, including, but not limited to, beer festivals; receptions where beer is sold or served; beer club meetings and activities; beer tasting educational seminars; beer tasting luncheons, business meetings, and corporate luncheons with a focus on selling beer; gatherings with the purpose of promoting sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; brew masters' dinners where beer is paired with food; agritourism promotions; and fundraisers and charity events. (Revised 6/23/15)

**FARM BUILDING:** A structure located on a parcel used primarily for bona fide agriculture purposes or any of the following uses or combinations thereof:

- a. Storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced on the parcel.
  - b. Sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products;
  - c. Business or office uses relating to the farm operations;
  - d. Use of farm machinery or equipment, or maintenance or storage of vehicles, machinery, or equipment;
  - e. Storage or use of supplies and materials used on the parcel; or
  - f. Implementation of best management practices associated with farm operations. (Revised 8/23/11)
- (Revised 6/23/15)

**FARM SALES:** The sale of agricultural products, value-added products and accessory merchandise on a farm, either outdoors or within a temporary or permanent structure, where the vendor selling the products and merchandise is engaged in production agriculture on the farm on which the farm sales use is located. (Revised 6/23/15)

**FARM STAND:** The sale of local agricultural products and value-added products, either outdoors or within a temporary or permanent structure, where the vendor selling the products is engaged in production agriculture in Greene County, but not on the lot on which the farm stand is located. (Revised 6/23/15)

**FARM TOUR:** An event organized by an agricultural operations or by a third party, to which the public is invited to visit agricultural operations, and which may include educational programs, workshops, or demonstrations related to agriculture or silviculture. (Revised 6/23/15)

**FARM WINERY:** An establishment located on one or more lots in Greene County licensed as a farm winery under Virginia Code § 4.1-207. (Revised 6/23/15)

**FARM WINERY EVENT:** An event conducted at a farm winery on one or more days where the purpose is agritourism or to promote wine sales including, but not limited to, wine fairs; receptions where wine is sold or served; wine club meetings and activities; wine tasting educational seminars; wine tasting luncheons,

business meetings, and corporate luncheons with a focus on selling wines; gatherings with the purpose of promoting sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; winemakers' dinners where wine is paired with food; agritourism promotions; and fundraisers and charity events. (Revised 6/23/15)

**FARMER'S MARKET:** The sale of agricultural products, value-added products, and accessory merchandise either outdoors or within a temporary or permanent structure by two (2) or more vendors in the conservation (C-1) and agricultural (A-1) district or by one or more vendors in any other zoning district where the use is allowed, where each vendor selling the products and merchandise is engaged in production agriculture, regardless of whether it is on or not on the lot on which the farmers' market is located. (Revised 6/23/15)

**FARMING:** The science of agriculture applied as a business.

**FENCE:** A non-loadbearing structure designed to impede the passage of persons, animals or wind, to obstruct vision or to support plants, customarily built of wood, metal or masonry; a wall.

**FLEA MARKETS:** A market established at a permanent, fixed location, in an open area or within a structure where goods are offered for sale to the general public by independent vendors from open, semi-open, or temporary stalls, tables, or other spaces and where there are ordinarily no long term leases between sellers and operators. (Revised 5/12/09)

**FLOOD:** A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

**FLOOD FRINGE:** The portion of the floodplain beyond the limits of the limits of the floodway. Flood waters in this area are usually shallow and slow-moving.

**FLOOD PROFILE:** A graph showing the relationship of water surface elevation of the 100 year flood event to location along a stream.

**FLOOD PROOFING:** Any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

**FLOODPLAIN:** The area adjacent to any body of water which is inundated by the discharge of the 100 year flood, which has an average frequency of occurrence of once every 100 years or a one percent (1%) probability of occurring in any year. The 100 year flood is sometimes referred to as the Intermediate Regional Flood.

**FLOODPLAIN DELINEATION STUDIES:** Reports prepared by qualified engineers describing the floodplain using topographic plan with ground elevations, locations of surveyed cross sections, flood profiles and discharges of the 100 year flood.

**FOOD BANK, FOOD PANTRY, OR SIMILAR USES:** A public or charitable institution that collects and/or distributes food or edible commodities to individuals in need. This can include food banks, food pantries, soup kitchens, hunger relief centers or other food or feeding centers similar in nature. (Revised 7/8/14)

**FLOODWAY:** The portion of the floodplain that must be reserved in order to discharge the 100 year flood without cumulatively increasing the water-surface elevation more than one (1) foot at any point.

**FOOTCANDLE:** a quantitative unit of measure referring to the measurement of illumination incident at a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot. (Revised 11/27/07)

**FRONT BUFFER STRIP:** a landscaped area used to physically separate or screen one use from another so as to visually shield or block noise, lights or nuisances. (Revised 11/27/07)

**FRONTAGE:** The width of a lot from side line to side line measured along the front lot line abutting the street

or access right-of-way, along the setback line as defined, and along every line parallel to and between the front lot line and the setback line. "Required frontage" shall be measured as described hereby except that in case of lots fronting on the turn-around area of a cul-de-sac where the front lot line is shorter than the width of the lot at the setback line, then the width of the setback line may be used as the measure of "required frontage."

**FUEL DISTRIBUTION AND STORAGE:** A facility that sells or distributes specialized fuels such as home heating oil, petroleum, diesel, kerosene to the public. For the purpose of this definition, the sale of automobile gasoline in conjunction with the operation of a convenience store is excluded from this term.

**FULLY SHIELDED FIXTURES:** shall mean fixtures that are shielded in such a manner that light emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. This means that a fully shielded fixture is one used in such a way that it allows no direct or internally reflected light to shine above the light fixture. (Revised 11/27/07)

**FUNERAL HOMES:** A building used for the preparation of a corpse for burial or the preparation of a corpse for cremation and may also be used for funeral services and cremation.

**GARAGE, PRIVATE:** Accessory building designed or used for the storage of private automobiles owned and used by the occupants of the building to which it is accessory.

**GARAGE, PUBLIC:** A building or portion thereof, other than a private garage designed or used for servicing, repairing, renting, equipping, selling, or storing motor vehicles.

**GARDEN APARTMENTS:** A structure, not to exceed three and one-half (3 ½) stories containing three (3) or more dwelling units.

**GARDEN CENTER:** A retail business that offers for sale horticultural products such as trees, shrubs, flowers, bushes, Christmas trees, etc., which may or may not be cultivated on site, as well as supplemental materials such as mulch, topsoil, yard ornaments and the like to the general public intended for individual homes.

**GAS AND OIL FACILITIES:** Facilities associated with the extraction, transmission, gathering, refining, processing, storing and distribution of gas, oil or related liquids. Federal regulations or authorities may limit county powers. (Revised 11/10/2020)

**GENERAL STORE:** A single store that contains less than three thousand, five hundred (3,500) square feet and which offers for sale general merchandise and may or may not include the sale of gasoline. (Revised 5/22/07)

**GOLF COURSE:** Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

**GOLF DRIVING RANGE:** A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

**GOVERNING BODY:** The Board of Supervisors of Greene County, Virginia.

**GROUND DISTURBING EXPLORATORY ACTIVITIES:** Those activities designed to determine the presence of coal, sand, gravel, minerals, or ore, including, but not limited to, excavation, drilling, boring and core boring, provided, however, that exploratory activities shall not include the drilling or boring of wells for the purpose of obtaining water.

**GROUNDCOVER:** any of various low, dense-growing plants, used for covering the ground, as in places where it is difficult to grow grass. Groundcover may be used, but is not included in the planting density calculations. (Revised 11/27/07)

**GROUP HOME OR HOME FOR DEVELOPMENTALLY DISABLED PERSONS:** A group home or other

residential facility licensed by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services in which more than eight (8) mentally ill, mentally retarded or developmentally disabled persons reside with one or more resident counselors or other staff persons. For purposes of this definition, the current illegal use of or addiction to a controlled substance as defined in Virginia Code § 54.1-3401 is neither a mental illness nor a developmental disability. A single-family dwelling having eight (8) or less mentally ill, mentally retarded or developmentally disabled persons is a single-family residential use. The use identified in this ordinance as "home for developmentally disabled persons" is a group home. (Revised 1/11/05)

**GROSS ACRE:** 43,560 square feet.

**HARDSHIP CASE:** Any adult or family who or which is physically, mentally, or financially unable to support himself or itself.

**HEALTH DEPARTMENT:** The legally designed representative of the Virginia State Department of Health, such, but not limited to, the County Health Director or County Sanitarian.

**HEAVY EQUIPMENT AND HEAVY VEHICLE PARKING AND STORAGE YARD:** An area used for parking storing and/or maintaining heavy equipment and heavy vehicles used off-site in the trade, business or other commercial or industrial activity of the owner or occupant and which may include storing and maintaining heavy equipment and heavy vehicles within buildings or structures. (Revised 5/12/09)

**HIGHWAY RETAIL SERVICE CENTER/TRUCK STOP:** A single or multiple business center that offers gasoline and at least two of the following uses: a) restaurant whether drive-up or not, b) a convenience store, or c) any other use allowed in a B-1, B-2 or B-3 zone by right or special exception. NOTE: Any use under Item C that requires a special use permit requires a special use permit under this definition.

**HOME BUSINESS:** Any occupation, including without limiting the total generality of the foregoing any profession, business, trade, craft, industry, or service conducted in or from a dwelling or accessory structure for profit or compensation, provided that:

- (a) Not more than five (5) persons not residing on the premises shall be regularly employed or engaged in such occupation;
- (b) There is no display or any other exterior indication of the home business;
- (c) There is no exterior variation from the residential character of the main building or accessory structure;
- (d) Accessory structures shall be similar in facade to a single-family dwelling, private garage, shed, barn or other structure normally expected in a residential area and shall be specifically compatible in design and scale with other development in the area in which located. Any accessory structure which does not conform to the setback and yard and height regulation shall not be used for any home occupation;
- (e) There is no advertising other than a non-illuminated identification sign of not more than two square feet in area;
- (f) No exterior lighting is used except that which is normally permitted and used in connection with a dwelling;
- (g) No mechanical equipment is used other than that which is normally used for residential household purposes or for office purposes; except that, a resident may use certain equipment peculiar and customary to the practice of such occupation so long as there is no exterior indication by noise, glare, odor or vibration of the operation of such equipment;
- (h) That traffic generated by such an occupation shall not create a safety hazard or cause congestion, and any need for parking generated by the conduct of such home business shall be met off the street;
- (i) In the case of electrical interference, no equipment or process shall be used which causes visible or audible interference in any radio or television receiver, computer or other electric or electronic appliance off the premises or causes fluctuation in line voltage off premises;
- (j) Further, nothing in this definition ordinance shall restrict the number of persons engaged, cooperatively or as partners or employees, in any area of Greene County where Agriculture is permitted hereunder, in any basic rural occasional work including, without limitation be enumeration, hay-making or other harvesting of any kind whatever, woodcutting, cooperative or

domestic butchering, canning, freezing, curing, preserving, storing, or engaged in the maintenance of wayside stands, where permitted hereunder, primarily for the sale of local produce or products, nor restrict the incidental dust, fumes, or smoke of cultivating, warming, scalding, rendering, cooking or any other basic agricultural process whatever.

**HOME OCCUPATION:** An occupation for profit, performed or carried on in a dwelling used as the primary principal residence, by an occupant thereof, provided:

- (a) Not more than thirty-five (35) percent of the total enclosed space shall be used for such purposes;
- (b) There is no exterior variation from the residential character of the dwelling; There is no display or any other exterior indication of the home occupation;
- (c) No more than one person is employed for this purpose by and in addition to members of the family who reside on the premises;
- (d) There is no advertising other than a non-illuminated identification sign of not more than two square feet in area;
- (e) No exterior lighting is used except that which is normally permitted and used in connection with a dwelling;
- (f) No mechanical equipment is used other than that which is normally used for residential household purposes or for office purposes; except that, a resident may use certain equipment peculiar and customary to the practice of such occupation so long as there is no exterior indication by noise, glare, odor, or vibration of the operation of such equipment;
- (g) Traffic generated by such occupation shall not create a safety hazard or cause congestion, and any need for parking generated by the conduct of such occupation shall be met off the street;
- (h) Tourist lodging, nursing homes, nursery schools, day care centers and private schools shall not be deemed home occupations.

**HOME PROFESSIONAL OFFICE:** A medical, dental, legal, engineering, or architectural office conducted within a dwelling by an occupant of the dwelling and employing not more than one (1) person not residing on the premises.

**HORTICULTURE:** The cultivation of plants for use or ornament usually within an enclosure of within limits smaller than agriculture, gardening and lawn maintenance.

**HOSPITALS, GENERAL:** An institution rendering medical, surgical, or other care which is licensed as a hospital by the Commonwealth of Virginia.

**HOTEL/MOTEL:** A building or buildings designed or occupied as the more or less temporary abiding place for individuals who are, for compensation, lodged with or without meals, and in which limited provision is made for cooking in individual rooms or suites.

**INDOOR RECREATIONAL FACILITIES:** An indoor facility where recreational activities are held, such as concert halls, sporting venues, bowling alleys, billiard halls, gyms, skating rinks and health clubs, or other indoor amusement activities. (Revised 5/12/09)

**INDUSTRIALIZED BUILDING UNIT:** A building assembly or system of building sub-assemblies, including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building or as a part of a finished building comprised of two or more industrialized building units, off-site, as used in this definition, refers to an industrialized building unit produced at any place other than the location of the completed building where it is permanently positioned. (I.E. Modular Home) (Source: Virginia Industrialized Building and Mobile Home Safety Regulations - 1984)

**INOPERABLE VEHICLES:** As defined in Article 16-18. (Revised 8/12/08)

**INVASIVE PLANTS:** are prohibited and are defined and identified by the Invasive Plants of the Eastern United States: Identification and Control, USDA Forest Service The University of Georgia, USDA APHIS PPQ and USDA Forest Service, Forest Health Technology Enterprise Team. FHTET-2003-08 (Revised 11/27/07)



**JUNK YARD:** The use of any area of land lying within one hundred (100) feet of a State Highway or the use of more than one thousand (1,000) square feet of land area in any location for the storage, keeping, or abandonment of junk including scrap metals, or other scrap materials. The term "junk yard" shall include the term "automobile graveyard" as defined in Chapter 304, Acts of 1938, Code of Virginia.

**KENNEL, LARGE COMMERCIAL:** An establishment where five (5) or more canines, felines, or hybrids of either are kept for the purpose of operating a business for breeding, training, renting, buying or boarding. (Revised 9/25/18)

**KENNEL, SMALL COMMERCIAL:** An establishment in which fewer than five (5) canines, felines, or hybrids of either are kept for the purpose of operating a business for breeding, training, renting, buying, or boarding. (Revised 9/25/18)

**LARGE TREES:** A woody plant with one main trunk and a rather distinct and elevated head measuring 40 feet or taller at maturity. Large trees shall have a minimum caliper of 2 inches at time of installation. (Revised 11/27/07)

**LAUNDRY SERVICES, COMMERCIAL:** A service business that provides washing and cleaning services to the commercial, industrial or medical entities such as restaurants, hospitals, etc., which usually includes pick-up and/or delivery.

**LAUNDRY SERVICES, PUBLIC:** A service business that either provides facilities for the washing and/or cleaning of clothes to the general public or provides the service of washing clothes for the general public. Typical public laundry services include laundries, laundromats or dry cleaners.

**LIGHT INDUSTRIAL:** uses that include fabrication, manufacturing, assembly or processing of materials that are in refined form and that do not in their transformation create smoke, gas, odor, dust, noise, a vibration of the earth, or soot to a degree that is offensive at the property line of the subject property. These type uses will occur within a building that resembles an office structure and meet the supplemental regulations associated with these uses. (Revised 4/14/2020)

**LIQUOR STORES:** Also known as ABC Stores. A single store that sells distilled spirits or sometimes sells distilled spirits and wine but may or may not sell beer. (Revised 5/12/09)

**LIVESTOCK:** Domestic animals normally raised on a farm such as horses, cows, swine, goats, sheep, poultry, etc. This definition specifically excludes dogs and cats. (Revised 1/11/05)

**LOAN OFFICES:** A business that provides money or other valuables or consideration to an individual, group or legal entity with the condition that it be returned or repaid at a later date normally with interest. (Revised 5/12/09)

**LOT:** A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this Ordinance, either shown on the plat of record or considered as a unit property and described by metes and bounds.

**LOT, CORNER:** A lot abutting on two or more streets at their inter-section. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets. (Revised 10/28/08)

**LOT, DEPTH OF:** The average horizontal distance between the front and rear lot lines.

**LOT, DOUBLE FRONTAGE:** An interior lot having frontage on two (2) streets.

**LOT, INTERIOR:** Any lot other than a corner lot.

**LOT, WIDTH OF:** The average horizontal distance between the side lot lines.

**LOT OF RECORD:** A lot, a plat or description of which has been recorded in the Clerk's Office of the Circuit Court.

**LUMEN:** a standard unit of measurement referring to the amount of light energy emitted by a light source, without regard to the effectiveness of its distribution. (Revised 11/27/07)

**MANUFACTURE AND/OR MANUFACTURING:** The processing and/or converting of raw, unfinished materials, or products, or either of them, into articles or substances of different character, or for uses for a different purpose.

**MANUFACTURED HOME:** A factory-built, single family structure that meets the Federal Manufactured Home construction and Safety Standards Act to be used only as a single-family dwelling (42 U.S.C. Sec. 5401) (Source: Moskowitz, Harvey S. and Carl G. Lindbloom. 2004. *The Latest Illustrated Book of Development Definitions*. P. 237. (Revised 6/12/07)

**MEDICAL CLINIC:** A medical facility providing either emergency or specialized treatment to the general public on an outpatient basis. Emergency care facility is included in this term. (Revised 12/12/06)

**MINI-STORAGE:** A business which makes available storage space to the public either on a rental or permanent basis for compensation.

**MOBILE FOOD UNIT:** A readily movable wheeled vehicle or a towed vehicle designed and equipped for the preparation, service and/or sale of food. This definition includes motorized vehicles, large trailers, pushcarts, and stands. (Revised 10/14/14)

**MOBILE HOME:** A residential dwelling that was fabricated in an off-site manufacturing facility designed to be a permanent residence for a single family only and built prior to the enactment of the Federal Manufactured Home Construction and Safety Standards. Source: Moskowitz, Harvey S. and Carl G. Lindbloom. 2004. *The Latest Illustrated Book of Development Definitions*. P. 248. (Revised 6/12/07)

**MOBILE OR MANUFACTURED HOME PARK:** Lots and parcels of land designed for the temporary or permanent parking and occupancy of two or more travel trailers or recreational vehicles or mobile or manufactured homes used for human habitation.

**MODULAR BUILDING SALES:** Building technique using modular, or pre-constructed components to include accessory structure and homes. (Revised 5/12/09)

**MOTEL:** see **HOTEL/MOTEL** (Revised 5/12/09)

**MOVIE THEATRE:** A place where motion pictures are shown to the public that may include retail stores and restaurants. (Revised 5/12/09)

**MULCH PRODUCTION FACILITY:** The processing of wood wastes consisting of stumps, tree limbs, branches, bark, leaves and other clean and untreated wood wastes by grinding, shredding or chipping to produce mulch for distribution to the general public for landscaping and other horticultural uses. At least 75 percent of the mulch produced in a one (1) year time period must be removed from the site within the one (1) year time period. The machine (grinder) used shall not create noise in excess of 75 dBA (A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network.) All noise measurements shall be made at the property line of the impacted site. Such machinery shall operate intermittently as approved by the Greene County Board of Supervisors; and the facility must be exempt from permit requirements under the Virginia Solid Waste Management Regulations, Department of Environmental Quality. (Revised 1/11/05)

**NAIL SALONS:** A shop where nail technicians perform manicures, pedicures, coloring, extensions, and other nail or beauty services. (Revised 5/12/09)

**NIGHT CLUBS:** An establishment dispensing liquor and meals and in which music, dancing, or entertainment is conducted. (Revised 5/12/09)

**NONCONFORMING ACTIVITY:** The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located.

**NONCONFORMING LOT:** An otherwise legally platted lot that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located.

**NONCONFORMING STRUCTURE:** An otherwise legal building or structure that does not conform with the lot area, yard, height, lot, coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located.

**NUCLEAR WASTE:** Any and all radioactive material that could have harmful effect on the health of an individual exposed to such radio-active material within a distance of ten (10) feet during a normal lifetime.

**NURSERIES:** A retail business that offers for sale horticultural products such as trees, shrubs, flowers, bushes, Christmas trees, etc. and does not offer supplemental items such as fertilizer, yard ornaments, etc., to the general public.

**NURSING HOME AND/OR GROUP HOME:** An institution where people are cared for; a home for the elderly. May consist of independent living, assisted living and/or memory care accommodations. (Revised 5/12/09)

**OBSERVATION TOWER:** A tower or deck constructed for non-commercial use entirely within an existing tree canopy, with the observation platform being no higher than the top of the surrounding canopy in which the tower is built.

**OFF-STREET PARKING AREA:** Space provided for vehicular parking outside the dedicated street right-of-way.

**OUTDOOR RECREATION FACILITIES:** An outdoor facility where recreational activities are held such as concerts, sporting events, drive-in movies, (golf) driving ranges, racetracks, zoological parks, carnivals, fairs, festivals or other outdoor amusement activities. (Revised 5/12/09)

**PARENT TRACT:** A lot, parcel, or tract of land legally established, subdivided, or created under county code requirements, of which there is a parcel of record in the Clerk's Office of the Circuit Court on May 8, 2001. (Revised 5/8/01)

**PARKING STRUCTURE, OPEN AND NON-ACCESSORY, FOR STORAGE OF PRIVATE PASSENGER AUTOS ONLY:** A building or structure consisting of more than one level and used to store, motor vehicles. (Revised 5/12/09)

**PATIO HOUSE:** A single family attached dwelling, usually L-shaped, with the common walls of the adjacent dwellings forming a patio, under single or multiple ownership, separated from one another by continuous vertical walls without openings from basement floor to roof, and having diversified architectural facades or treatment of materials on both front and rear of the building group, with not more than three (3) of any six (6) abutting patio houses having the same architectural facades and treatment of materials, and with not more than three (3) abutting patio houses having the same front and rear setbacks; minimum setback offset shall not be less than two and one-half (2 ½) feet.

**PERFORMANCE BOND:** A bond of surety and/or cash deposit approved by the governing body equal to the full cost of improvements required by these regulations and providing for completion of said improvements within a definite term.

**PET GROOMING:** A facility that provides the care for the appearance of a pet. (Revised 5/12/09)

**PET SHOPS:** A shop where pet animals can be purchased (Revised 5/12/09)

**PHARMACIES:** A retail store that primarily offers prescription and over-the-counter medications but which also offers typical household items for sale.

**PHOTOGRAPHY STUDIOS/FILM DEVELOPING:** A store that primarily offers for sale the development of film and the taking of pictures for sale. (Revised 5/12/09)

**PHOTOMETRIC PLAN-** a point by point plan depicting the intensity and location of lighting on the property. (Revised 11/27/07)

**PLANNING COMMISSION:** The Planning Commission of Greene County, Virginia.

**PLAT:** A schematic representation of a parcel or subdivision drawn by a certified land surveyor or a professional engineer to the standards of the Virginia Public Records Act. (Revised 1/11/05)

**PLAT, FINAL:** A plat showing new property lines and certain features and improvements pursuant to the preliminary plat, and prepared for recordation. Final plat approval gives the subdivider the right to record such plat with the clerk of the circuit court and to convey individual lots. (Revised 1/11/05)

**PLAT, PRELIMINARY:** A plat showing the existing boundaries and certain existing features of a parcel to be subdivided, together with the property lines of proposed lots and certain proposed features and improvements. Preliminary plat approval gives the subdivider the right to install the proposed features and improvements shown on the preliminary plat, but does not authorize recordation of the subdivision or the conveyance of any lot or part of the subdivision. (Revised 1/11/05)

**PORTABLE SANITATION, SALE/RENTAL AND STORAGE:** A facility that provides rental/leasing of portable sanitation units. The facility that stores the equipment shall be screened by a wall, fence or landscaping screen not less than six (6) feet in height. (Revised 5/12/09)

**POWER GENERATION PLANTS:** An industrial facility for the generation of electric power. (Revised 11/10/2020)

**PRINCIPLE STRUCTURE OR USE:** A single-family dwelling, multi-family dwelling, industrial building, or commercial building that serves as the primary use of a parcel. (Adopted 10/30/01)

**PRODUCTION AGRICULTURE OR PRODUCTION SILVICULTURE:** The bona fide production or harvesting of agricultural or silvicultural products but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge. (Revised 6/23/15)

**PROFESSIONAL OFFICES:** The office, studio, or room of a business rendering occupational services such as a physician, dentists, optometrist, medical clinics, physical therapist, massage therapist, attorney, real estate agent, insurance agent, consultant, travel agent, telemarketer, engineer, graphic designer or similar occupation that does not require the use of heavy equipment, outside storage, or sale of retail goods. (Revised 5/12/09)

**PUBLIC FACILITIES:** Shall be considered for the purpose of this Ordinance to be any public works supplied generally by a governmental organization. Such public works shall include, but not be limited to, public roads, schools, parks, and police, rescue services, and fire protection facilities. (Revised 5/12/09)

**PUBLIC OFFICE OR OTHER PUBLIC BUILDING:** Shall be considered for the purpose of this Ordinance to be any building owned or leased by a governmental organization such as a country, city, town, state, or federal government.

**PUBLIC UTILITIES:** publicly or privately owned poles, lines, transformers, and related and/or similar facilities including water and sewer transmission lines, electrical power substations; or communication lines or exchange centers. (Revised 11/10/2020)

**PUBLIC WATER AND SEWER DISTRIBUTION LINES:** Any line or pipe designed to provide water or sewerage service to private dwellings, businesses or the like which is installed upon land owned in fee simple by the person or corporation installing the same.

**PUBLIC WATER OR SEWER TRANSMISSION LINES:** Any line or pipe of any description installed for the purpose of providing public water or sewer to private dwelling houses, businesses or the like which is installed upon land not owned in fee simple by the person or corporation installing the same.

**QUADPLEX:** A four family residential structure; the dwelling units may be arranged one above the other with no more than two units located at ground level. (Revised 5/18/04)

**QUARRYING OR MINING:** The industry of extracting stone from an open excavation which shall be deemed to include both the extraction and processing of crushed stone for aggregate and related uses and the extraction of stone in blocks for building, monumental and related uses, but shall not be deemed to include sand and gravel operations.

**RECORDING STUDIOS:** Place of business for the purpose of recording sound for commercial and/or private use on commercial property (Revised 5/12/09).

**RECREATION AREA:** Any establishment operated privately, for members and guests only, or commercially, for the general public, in which facilities are provided for outdoor recreation including without limitation, camping, lodging, picnicking, boating, fishing, swimming, horseback riding, outdoor games and sports. A recreation area does not include miniature golf grounds, golf driving ranges or mechanical amusement devices and rides.

**RECREATIONAL VEHICLE:** A vehicular, portable structure built on a chassis, designed for use as a temporary dwelling for travel, recreational, or vacation; a travel trailer.

**RECYCLING CENTER:** A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products. This definition excludes junkyards and prohibits all hazardous materials as defined by the Code of Virginia. Recycling centers in the A-1 zoning district are limited to ten (10) acres or less and larger operations belong in the industrial zones. (Revised 5/27/14)

**REQUIRED OPEN SPACE:** Any space required in any front, side, or rear yard.

**RESEARCH AND DEVELOPMENT FACILITY:** An established or complex of structures located in a building whose dimensions are intended to foster physical, chemical and biological research and/or experimentation involving but not limited to controlled simulation of factors, development or prototypes, chemicals, commodities, pharmaceuticals, information technology, electronics and instrumentation for academic and industrial purposes. Light manufacturing may be included as an ancillary use depending on the impact of the activity on neighboring property and scale of the premises. (Revised 4/12/2020)

**RESIDENTIAL ACCESSORY STRUCTURE:** A structure located upon a lot used for storage such as a shed, garage, carport, or other similar structures. The lot shall be located in the C-1, A-1 or any residential zoning district. Only one such structure is allowed on a parcel without a main or primary use. The structure shall meet main structure front setbacks for the district in which it is located and accessory structure side and rear setbacks for the district in which it is located. (Revised 8/18/05)

**RESTAURANTS:** Any building in which, for compensation, food or beverages are dispensed for consumption on or off premises, with or without take-out, drive-up, or drive-thru service. A tavern, pub, diner, or drive-up restaurant shall be considered as a restaurant. (Revised 6/26/12)

**RETAIL SHOPS:** An establishment engaged in the sale or rental of goods, merchandise, or products directly to the consumer and including the incidental service of such merchandise. Retail sales establishments include warehouse clubs, grocery stores, florist shops, department stores, furniture stores, electronics stores, appliance stores, clothing stores, jewelry stores, pharmacies, photo finishing services and supplies, picture framing, bookstores, shoe stores, automobile parts and supplies stores, antique stores, stationery stores, and other similar retail establishments. (Revised 5/12/09)

**RIGHT-OF-WAY, PRIVATE:** A travelway which is the principal means of access to abutting property and not

dedicated to public use. (Revised 1/11/05)

**ROAD, PRIVATE:** A travelway or road which is the principal means of access to abutting property and encompassed by a right-of-way not dedicated to public use.

**SANITARY LANDFILL:** A place for the disposing of public refuse on land without creating nuisance or hazards to public health or safety by confining, compressing, and covering the refuse with earth.

**SAWMILL, PERMANENT:** A permanent sawmill located on public or private property for the processing of timber.

**SAWMILL, TEMPORARY:** A portable sawmill located on private property for the processing of timber cut only from that property or the property immediately contiguous and adjacent thereto or incidental processing of timber transported from other property.

**SCREENING:** For the purposes of this ordinance, screening shall be defined as any device or natural growth, or a combination thereof, which shall serve as a barrier to vision and noise between adjoining properties or between a property and the street, where-ever required by this ordinance. When used for screening purposes, "natural growth", unless otherwise specified, shall be taken to mean evergreen trees and bushes.

**SCREENING YARD:** a space used to visually shield one abutting or nearby structure or use from another by using densely planted vegetation. (Revised 11/27/07)

**SERVICE CONTRACTORS:** A business that offers contractor's services such as the installation, maintenance and/or repair of HVAC, plumbing, electrical, landscaping, home appliances, etc. that may contain a showroom, indoor storage and/or limited outdoor storage area for materials and equipment. Services Contractors generally are associated with home improvement.

**SETBACK LINE:** An imaginary line parallel to the front lot line at a distance specified for each District measured from the street or front lot line, beyond which a structure shall be permitted.

**SHRUBS:** low woody plants, with multiple shoots or stems from the base, measuring 15 feet or less at maturity. Shrubs shall be a minimum of three-gallon pots at time of installation. (Revised 11/27/07)

**SIGN:** Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as part of a structure, surface, or any other thing, including but not limited to, the grounds, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is located.

**SIGN STRUCTURE:** Includes the supports, uprights, bracing and/or framework of any structure, be it single-faced, double-faced, v-type, or otherwise exhibiting a sign.

**SITE PLAN:** Detailed drawings indicating all construction and land improvements, including landscape improvements, and related information as required by this Ordinance.

**SKETCH SITE DEVELOPMENT PLAN:** A sketch of proposed development to be submitted in accordance with Article 19 of this Ordinance. (Revised 1/11/05)

**SMALL TREES:** a woody plant with one main trunk and a rather distinct and elevated head measuring 40 feet tall or less at maturity. Small trees shall have a minimum caliper of 1-1/2 inches at time of installation. (Revised 11/27/07)

**SOLAR ENERGY GENERATION FACILITIES:** A power generating plant that is 1 acre or more in size which generates electricity through ground mounted solar collectors. (Revised 11/10/2020)

**SPILOVER LIGHT:** lighting in excess of 0.2 footcandles greater than the existing light (i.e., moonlight)

that transmits beyond the property boundary line. (Revised 11/27/07)

**STORY:** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and for the topmost story, from the top of the floor finish to the top of the ceiling joist, where there is not a ceiling to the top of the roof rafters. (Revised 1/11/05)

**STORY ABOVE GRADE PLANE:** Any story having its finished floor surface entirely above grade plane where the finished surface of the floor above the basement is:

1. More than six (6) feet above grade plane;
2. More six (6) feet above the finished ground level for more than fifty (50) percent of the total building perimeter; or
3. More than twelve (12) feet above the finished ground level at any point. (Revised 1/11/05)

**STORY, HALF:** A space under a sloping roof, which has the line of intersection of roof decking, and wall face not more than three (3) feet above the floor level, and in which space not more than two-thirds (2/3) of the floor area is finished for use.

**STREET (ROAD):** A public thoroughfare.

**STREET LINE:** The dividing line between a street or road right-of-way and the contiguous property.

**STREET, MAJOR COLLECTOR:** Designed to serve as the major links between communities and villages where there are no arterials or state primaries. Major collectors should be designed similar to primary roads on right-of-way widths of eighty (80) feet or more.

**STRUCTURE:** Anything constructed or erected, excluding fences, paper tubes, and mailboxes, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

**SUBSTANTIAL IMPACT:** An impact that may arise from an event or activity at a farm winery, farm brewery, or agricultural operation that has a significant adverse effect on: (i) an abutting lot or the neighborhood, including an impact on any owner, occupant, or agricultural or silvicultural activity; or (ii) any private or public road, natural resource, cultural resource, or historical resource. A substantial impact may result from a wide variety of factors including, but not limited to, the generation of traffic, noise, dust, artificial outdoor light, trash, stormwater runoff, and excessive soil compaction; the failure to provide adequate traffic controls and sanitation facilities; the cumulative effects of large numbers of events and activities occurring simultaneously, particularly when they are in close proximity to one another or require travel on the same public or private roads; and events and activities that are incompatible with existing production agriculture. (Revised 6/23/15)

**TEMPORARY BUILDINGS FOR CONSTRUCTION PURPOSES (NOT TO EXCEED DURATION OF CONSTRUCTION):** Mobile homes, trailers, or vans may be utilized as contractor's offices, watchman's shelters, or tool and equipment storage on the project site only during the period of construction. Such structures require a building permit prior to being placed on site. (Revised 5/12/09)

**TEMPORARY FAMILY HEALTH CARE STRUCTURE:** A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation, as defined by Uniform Statewide Building Code, shall not be required or permitted. Reference: Virginia State Code §15.2-2292.1 (Revised 7/23/13)

**TOURIST INFORMATION CENTER:** A facility whether privately or publicly owned or operated that provides information, brochures or other tourist services to the general public.

**TOURIST LODGING:** the provision of lodging within a single family dwelling and/or one or more structures

that are accessory to the single family dwelling, with guest rooms (determined by right or by special use permit per Article 16-25), in which guest rooms are occupied for less than thirty (30) consecutive days, and which also may include rooms for dining and for meetings for use by tourist lodging guests, provided that the dining and meeting rooms are accessory to the tourist lodging use. The owners may or may not reside in the dwelling. The tourist lodging definition would include the limited residential lodging uses also referred to as bed and breakfast lodging, lodges, country inns, hostels, and lodging houses as long as the use was in compliance with the applicable regulations under Article 16-25. (Articles 6 and 16-25 Revised 7/12/16)

**TOWNHOUSE:** One of a series of three (3) to eight (8) attached dwelling units under single or multiple ownership, separated from one or another by continuous vertical walls without openings from basement floor to roof, and having diversified architectural facades or treatment of materials on both front and rear of the building group, with not more than four (4) of any eight (8) abutting townhouses having the same architectural façade and treatment of materials, and with not more than four (4) abutting townhouses having the same front and rear setback; minimum setback shall not be less than two and one-half (2-1/2) feet. (Revised 5/18/04)

**TRAVEL TRAILER:** A tent, tent trailer, camping trailer, pickup camper, motor home, and any other device or vehicular type structure for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time, or travel. (Revised 1/11/05)

**TREE CALIPER:** A metal or wooden device consisting of an arm and two prongs, one of which is free to slide along a graduated scale on the arm. The prongs are placed against opposite sides of a tree to read its diameter on the scale. The diameter is measured at the breast height (DBH). (Revised 11/27/07)

**TRIPLEX:** A three family residential structure; the dwelling units may be arranged one above the other with no more than two units located at ground level. (Revised 5/18/04)

**USUAL AND CUSTOMARY USE, EVENT OR ACTIVITY:** A use, event, or activity at a farm winery, farm brewery, or agricultural operation that is both ordinary and commonly practiced or engaged in at farm wineries, farm breweries, or agricultural operations, as applicable, within the Commonwealth, as determined by objective evidence. (Revised 6/23/15)

**USE:** Any continuous or continual occupation of or activity, taking place upon a parcel of land including, but not limited to, the location of tents, portable huts, trailers, and the storage of car, machinery, or material, as well as of buildings or other structures.

**UTILITY LOT:** A lot created to be used for public and/or private utilities. (Revised 8/11/09)

**VARIANCE:** A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size or structure of size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.

**VEHICLE:** A motored device used for transportation whether recreational or not. Vehicles include automobiles, motorcycles, trucks, boats, and RVs.

**VEHICLE PARTS STORE:** A store where vehicle parts are stored and/or sold with no outdoor display of any vehicles or parts.

**VEHICLE REPAIR GARAGES:** A structure where vehicles are repaired or where maintenance is performed, including auto body and paint shops.

**VEHICLE SALES, SERVICE AND RENTAL BUSINESS:** A business that sells or rents vehicles and/or which performs minor routine or preventive maintenance such as oil changes, tire rotation, and tune-ups, without any body or mechanical repair.



**VETERINARY CLINIC:** A facility that provides the medical treatment and temporary boarding of domesticated animals where there is no public viewing of those animals.

**WATER OR SEWER TREATMENT FACILITIES:** A centralized system used for the treatment and/or storage of water or sewage, owned and operated by a municipality or county, or owned and operated by a private individual or corporation. (Revised 11/10/2020)

**WAREHOUSING:** The storage, wholesaling, and distribution of manufactured products, supplies and equipment, including distribution centers. (Revised 4/12/2020)

**YARD:** An open space on a lot other than a court unoccupied and unobstructed from the ground upward by structures except as otherwise provided herein.

**YARD, CORNER SIDE:** A side yard which fronts a right of way. (Revised 10/28/08)

**YARD, FRONT:** An open space on the same lot as a building or structure between the front lot or street line and the setback line as defined, and extending across the full width of the lot. (Revised 1/11/05)

**YARD, REAR:** An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot. (Revised 1/11/05)

**YARD, SIDE:** An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line. (Revised 1/11/05)